

In the
United States Court of Appeals
For the Ninth Circuit

DANIEL DAVID DYDZAK,

Plaintiff-Appellant,

v.

TANI CANTIL-SAKAUYE, et.al.,

Defendants-Appellees.

On Appeal from the United States District Court
for the District of Nevada,

DC No. 2:22-cv-01008-APG-VCF (Andrew P. Gordon, J.)

**FEDERAL JUDICIAL DEFENDANTS’
SUPPLEMENTAL EXCERPTS OF
RECORD VOLUME III**

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Date submitted: May 15, 2024

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BY: _____	DEPUTY

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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 **Case No. 2:22-cv-01008-APG-VCF**
11 **Assigned to Hon. Andrew P. Gordon**

12 **DANIEL DAVID DYDZAK,**

13 **Plaintiff,**

14 **v.**

15 **TANI CANTIL-SAKAUYE, et al.,**

16 **Defendants.**

17 **PLAINTIFF'S OPPOSITION AND**
18 **RESPONSE TO MOTION TO DISMISS**
19 **BY DEFENDANTS ERIC GEORGE,**
20 **RONALD M. GEORGE AND ALAN I.**
21 **ROTHENBERG; MEMORANDUM OF**
22 **POINTS AND AUTHORITIES THERETO;**
23 **PLAINTIFF'S OPPOSITION AND**
24 **RESPONSE TO REQUEST FOR JUDICIAL**
25 **NOTICE**

26 **Hearing Requested**

27 **TO THIS HONORABLE COURT, ALL PARTIES AND THEIR COUNSEL OF**
28 **RECORD:**

COMES NOW Plaintiff, DANIEL DAVID DYDZAK ("DYDZAK"), and
opposes and responds to the meritless and unsupportable Motion to Dismiss Plaintiff's

DYDZAK V. CANTIL-SAKAUYE

1 Complaint by Defendants ERIC GEORGE, RONALD M. GEORGE and ALAN I.
2 ROTHENBERG (collectively "GEORGE DEFENDANTS").

3 Plaintiff further responds to the Request for Judicial Notice.

4
5 Dated: June 18, 2022

Respectfully Submitted,

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9 DANIEL DAVID DYDZAK

10 Plaintiff
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MEMORANDUM OF POINTS AND AUTHORITIES

I

THIS HONORABLE COURT HAS SUBJECT MATTER AND PERSONAL JURISDICTION OVER GEORGE DEFENDANTS

Plaintiff is the one bringing the lawsuit. He elects the venue when there is a proper jurisdictional basis therefor. There are several Defendants in this case, residing in various jurisdictions such as Nevada, California, Arizona and Washington.

In this case, Defendant RAWLINSON is, and was at all times relevant to this litigation, a resident of the State of Nevada (Paragraph 7 of the Complaint). This lawsuit was properly and jurisdictionally filed in Clark County, Nevada. Venue is proper in Las Vegas, Nevada, because venue exists where any of the defendants reside. NRS 13.040. Thereafter, the case was removed by certain Defendants.

Defendant RAWLINSON, with various other federal Defendants, was served with process the day after President's Day by an adult over eighteen years old. Various other federal Defendants were served on other dates. Plaintiff will address this issue in another pleading with more detail in the future.

There is proper subject matter jurisdiction in this case, because the Fifth Cause of Action for Violation of Civil Rights includes Defendant RAWLINSON, residing in Clark County, Nevada (Paragraphs 47-51 of the Complaint). The Nevada Court had concurrent jurisdiction to hear federal claims (Paragraph 28 of the Complaint). Tafflin v. Levitt, 493 U.S. 455 (1990). Thereafter, the case was removed by certain Defendants to federal court.

Under Nevada law, the district courts have original jurisdiction over all matters excluded from the jurisdiction of the justice and municipal courts and appellate jurisdiction in cases arising from these courts. Morrison v. Beach City LLC, 991 P.2d 982 (2000).

Certain federal Defendants were entitled to remove the case to federal court under diversity of citizenship grounds.

The "minimum contacts" doctrine recognizes the power of the sovereign state of Nevada to exercise jurisdiction where a sufficient connection exists with a nonresident. I.e., commonly referred to as a "long-arm" statute. Nevada has a long-arm statute, and it is interpreted broadly to reach the outer limits of federal constitutional due process. See *Welburn v. Eighth Jud. Dist. Ct. of State*, 806 P.2d 1045 (1991).

THE COMPLAINT MORE THAN SUFFICIENTLY ALLEGES A CAUSE OF ACTION AGAINST GEORGE DEFENDANTS

The Third Cause of Action for Conspiracy to Unlawfully Interfere with the Processes of the Court is more than sufficiently pled to withstand this Motion to Dismiss. Therefore, the Motion to Dismiss should be denied with prejudice as to the moving Defendants. Or leave to amend should be granted to Plaintiff.

1 No-one is above the Rule of Law, not even the President of the United States.
 2 See U.S. v. Nixon, 418 U.S. 683 (1974). This Court has to do the right thing, give
 3 DYDZAK his day in court and allow him to pursue his more than sufficiently alleged
 4 causes of action.

5 The Due Process Clause, guaranteed by the 5th and 14th Amendments, requires
 6 that there be fairness in state proceedings and activities related thereto. This is a
 7 cornerstone of the American judicial system. This federal District Court cannot ignore
 8 tainted state proceedings and state actor misconduct. Nor can it ignore illegal actions by
 9 the GEORGE DEFENDANTS as private individuals.

10 The law favors a trial on the merits.

11 The moving papers offer no persuasive authority why his lawsuit should not
 12 be allowed to proceed. Certainly, DYDZAK has a right of redress in this case. As
 13 Chief Justice Marshall stated in Marbury v. Madison, 5 U.S. 137 (1803): “The
 14 Government of the United States has been emphatically termed a government of
 15 laws and not of men. It will certainly cease to deserve this high appellation if the
 16 laws furnish no remedy for the violation of vested legal rights.”

17 The Motion to Dismiss does NOT adequately address at all why DYDZAK
 18 cannot sue moving Defendants in the Third Cause of Action. This count is
 19 adequately pled. DYDZAK has alleged the requisite elements for a conspiracy to
 20 commit the underlying tort. E.g., conspiracy to commit violation of civil rights, 42
 21 USC 1985; CA CACI No. 3600 (CA Jury Instructions); Pettitt v. Levy (1972) 28
 22 Cal.App.3d 484, 491.

23 Plaintiff has already sufficiently stated causes of action through “notice”
 24 pleading—a short and plain statement of the claim showing Plaintiff is entitled to relief,
 25 See Fed.R.Civ.P. 8(a)(2).

26 IV

27 **THIS LAWSUIT IS NOT IN BAD FAITH NOR FRIVOLOUS; THEREFORE,**
 28 **THIS COURT, EXERCISING ITS INDEPENDENT JURISDICTION AND**

AUTHORITY, SHOULD NOT CONSIDER UNLAWFUL, “RIGGED”
PREFILING ORDERS EMANATING FROM OTHER COURTS

With regard to the federal judge Coughenour pre-filing Order, this Order is subject to numerous pending appeal motions in the Ninth Circuit Court of Appeals, which have not been deliberately ruled upon for years. The purported Coughenour “political” Order is not final and still being appealed in the 9th Circuit Court of Appeals.

An Order that is not final should not been given any weight or collateral estoppel effect. Griggs v. Provident Consumer Discount Co., 459 U.S. 56 (1982).

The Coughenour Order was apparently, unethically not drafted by this jurist, but, upon reasonable information and belief, fraudulently and illegally by a disgraced, former staff attorney, Lydia Yurchuk, with the Central District of CA U.S. District Court. This is so, even though that entire Court (and roster of judges) were disqualified from hearing DYDZAK’s lawsuit by Order of then Chief Judge Kozinski of the 9th Circuit. Clearly, a staff attorney with the Central District of CA should not have been working on the Order with Judge Coughenour of the State of Washington when the Central District Judges were all disqualified by then Chief Judge Kozinski. When Plaintiff brought this issue up in certain of his pleadings, attorney Lydia Yurtchuk was apparently “fired” or took an early retirement on inactive status. She no longer worked for the Central District of California federal Court. The Coughenour Order is restricted to the Central District of California, which has a political animus towards DYDZAK, and there was “fraud upon the court” towards him with respect to that Order. So that purported pre-filing Order should be disavowed and disregarded by this U.S. District Court in its ruling process.

As for the purported pre-filing Order of California Judge Dato, as set forth in the 8th Cause of Action in the Complaint, that purported pre-filing Order should not be given any weight and regard by this Honorable Court. It is DYDZAK’s legitimate position that this Order is invalid/void and marked by extrinsic fraud. That pre-filing Order came about several years ago when Judge Dato was a Superior Court Judge, and

1 the subject case was illegally transferred to him in San Diego even though there were
2 no San Diego-based Defendants therein. It is a bogus, rigged pre-filing Order,
3 deliberately meant to harm DYDZAK's right of redress to the Courts in California.
4 When Judge Dato made the Order, he was "rewarded" by Defendant CANTIL-
5 SAKAUYE, using her influence, with a subsequent appointment to the California
6 Court of Appeal. Unfortunately, further, Judge Dato has covered up the corruption of
7 Defendant CANTIL-SAKAUYE towards Plaintiff by sitting on the California
8 Commission on Judicial Performance and protecting her unethical conduct towards
9 DYDZAK. She got him appointed to that position, upon reasonable information and
10 belief, to protect herself. Moreover, Judge DATO's credibility is undermined as well
11 by his history of disreputable conduct. He was associated for many years with
12 convicted, disbarred, fraudster class-action attorney Bill Lerach of San Diego. Sources
13 advise DYDZAK that Judge DATO should have been indicted with Bill Lerach for
14 criminal conduct at that time but never was.

15 A Nevada Court has independent jurisdiction over whether a litigant is vexatious.
16 NRS 155.165; Jones v. State ex rel. Dept. of Motor Vehicles & Public Safety, 121
17 Nev. 44, 110 P.3d 30 (2005). Clearly, this lawsuit has merit and should be allowed to
18 proceed. Likewise, this federal lawsuit is not frivolous and should be allowed to
19 proceed.

20 This lawsuit is not contesting Plaintiff's illegal disbarment in the State of
21 California. The Cause of Action against GEORGE DEFENDANTS is sufficiently pled
22 and no pre-filing Order applies to the new claims against them that have never been
23 litigated before. DYDZAK has a right of redress to the Courts, not to be "politically"
24 shut down.

25 With respect to the Request for Judicial Notice, the pleadings proffered are not
26 relevant to the new claims asserted in this lawsuit against the GEORGE
27 DEFENDANTS. The Request for Judicial Notice should be denied with prejudice.
28 At the pleading stage, the allegations of the Complaint are liberally construed and
regarded as true. See F.R.Evidence, Rule 201.

CONCLUSION

For the reasons set forth herein, and in the interests of justice and equity, the Motion to Dismiss Plaintiff's Complaint by GEORGE DEFENDANTS should be denied with prejudice. Said Defendants should be ordered to answer forthwith. The Request for Judicial Notice is not relevant at the pleading stage, since the averments and allegations are taken and presumed to be true, pending discovery. Leave to amend should be liberally granted, if the Court so requires same. See F.R.C.P. , Rule 15.

It is to be noted that the allegations of corruption and misconduct in Plaintiff's lawsuit is so pervasive that Defendant SCHWAB, although duly served, has not responded to the lawsuit and is in default. A default motion will be filed shortly as to Defendant SCHWAB.

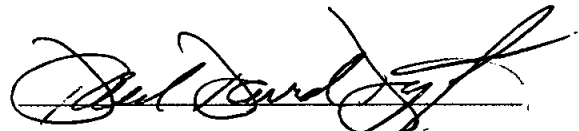
It is no surprise that the Georges and Mr. Rothenberg would collude to harm DYDZAK. On one occasion, after suing Mr. Rothenberg on behalf of former legal clients. the latter said to Plaintiff: "I'm going to get you." And Defendant RONALD M. GEORGE once telephonically stated to Plaintiff: "Nobody cares what you have to say." This astonishingly referred, upon information and belief, to his influence and ex parte contacts with certain persons to harm DYDZAK.

This federal court has jurisdiction over ancillary or supplemental claims over GEORGE DEFENDANTS in addition to the federal causes of action.

Plaintiff has tried repeatedly to settle this case, to no avail. Hence, he has no choice but to litigate and have appropriate rulings from this U.S. District Court. As always, Plaintiff is open to reasonable resolution.

Dated: June 18, 2022

Respectfully Submitted,



DANIEL DAVID DYDZAK

Plaintiff

CERTIFICATE/PROOF OF SERVICE

I, JIM LANE, hereby declare that I am over the age of eighteen years and am not a party to the within above-entitled action, that I am employed in the County of Los Angeles, State of California, and that my business address is 4265 Marina City Drive, Suite 407W, Marina del Rey, CA 90292.

On July 18, 2022, I served a true and correct copy of the following document or pleading on the interested parties or their counsel of record:

PLAINTIFF'S OPPOSITION AND RESPONSE TO MOTION TO DISMISS BY
DEFENDANTS ERIC GEORGE, RONALD M. GEORGE AND ALAN I.ROTHENBERG;
MEMORANDUM OF POINTS AND AUTHORITIES THERETO; PLAINTIFF'S
OPPOSITION AND RESPONSE TO REQUEST FOR JUDICIAL NOTICE

☒ [BY U.S. MAIL] On this same day, I mailed the interested parties or their counsel of record the above-described document or pleading by regular United States mail to their respective service or mailing addresses.

OLSON CANNON GORMLEY & STOBERSKI
9950 WEST CHEYENE AVENUE
LAS VEGAS, NEVADA 89129

MARQUIS AURBACH
10001 PARK RUN DRIVE
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501 LAS VEGAS BLVD. SO.
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1 ERIC M. GEORGE

2 RONALD M. GEORGE

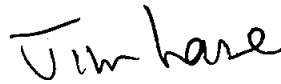
3 ALAN I. ROTHENBERG

4 c/o 2121 AVENUE OF THE STARS

5 SUITE 3000

6 LOS ANGELES, CA 90067

7
8 I declare under penalty of perjury under the laws of the United States of America that the
9 foregoing is true and correct, and that this Declaration was executed on July 18, 2022,
10 at Los Angeles, California.



11 JIM LANE

12 Declarant
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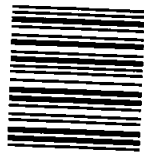
XRAYED US MARSHALS SERVICE

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Clerk's Office (Rm 1334)
U.S. District Court

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89101

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COUNSEL/PARTIES OF RECORD	
JUL 20 2022	
CLERK U.S. DISTRICT COURT	
DISTRICT OF NEVADA	
BY:	DEPUTY

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*Attorneys for Defendant MIDFIRST BANK
(incorrectly named as 1ST CENTURY BANK
and/or 1ST CENTURY BANCSHARES INC.)*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DANIEL DAVID DYDZAK,

Plaintiff,

v.

TANI CANTIL SAKAIYE; JORGE
NAVARRETE; THOMAS LAYTON, aka TOM
LAYTON; CHARLES SCHWAB; DONALD F.
MILES; JOHNNIE B. RAWLINGSON; BARRY
G. SILVERMAN; WILLIAM A. FLETCHER;
PETER LIND SHAW; RONALD M. GEORGE;
ERIC M. GEORGE; ALAN I. ROTHENBERG;
1ST CENTURY BANK; 1ST CENTURY
BANCSHARES, INC; EDWARD EPHRAIM
SCHIFFER; SIDNEY R. THOMAS, WILLIAM
DATO; MAXINE M. CHESNEY; MOLLY C.
DWYER; GEORGE H. KING; A. WALLACE
TASHIMA; FERDINAND FRANCIS
FERNANDEZ; KIM MCCLANE WARDLAW;
WILLIAM C. CANBY; RONALD M. GOULD;
RICHARD C. TALLMAN; and DOES 1 through
50, inclusive,

Defendants.

Case No.: 2:22-cv-01008-APG-VCG

**MOTION TO DISMISS OF
DEFENDANT MIDFIRST BANK**

Defendant MidFirst Bank (incorrectly named as 1ST CENTURY BANK and/or 1ST
CENTURY BANCSHARES INC.)¹ (“MidFirst”) by and through its attorneys of record, the law

¹ Neither 1st Century Bank nor 1st Century Bancshares, Inc. exist as a separate legal entity. 1st Century Bancshares Inc. was the holding company of 1st Century Bank. In 2016, 1st Century Bancshares Inc. was merged into MidFirst Bank’s holding company and 1st Century Bank was merged into MidFirst Bank. 1st Century Bank now operates as a division of MidFirst Bank.

1 firm of Quintairos, Prieto, Wood & Boyer, P.A., hereby respectfully requests that this Court
 2 dismiss all claims against it articulated in the Complaint on file (ECF No. 1-2). This matter
 3 should be dismissed, pursuant to Fed. R. Civ. Proc., Rule 12(b)(2) and 12(b)(6) for the following
 4 reasons:

5 1) Plaintiff is subject to a March 19, 2018 order out of the Northern District of California
 6 prohibiting him from pursuing any suit in *any* federal court “arising out of, or related to his
 7 disbarment” without leave of court. Fed. R. Civ. Proc., Rule 12(b)(6).

8 2) Plaintiff’s substantive allegations do not satisfy the pleading requirements under
 9 *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) and *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 556
 10 (2007). Fed. R. Civ. Proc., Rule 8, 12(b)(6).

11 3) Plaintiff has not established subject matter jurisdiction over this matter, or personal
 12 jurisdiction over MidFirst. Fed. R. Civ. Proc., Rule 12(b)(1), (2).

13 Therefore, based on the Memorandum of Points and Authorities below, the exhibits
 14 attached hereto and incorporated hereto by reference, together with the pleadings and papers on
 15 file herein and any oral argument that may be adduced at a hearing of this matter, the Court
 16 should grant this Motion without leave to amend.

17 **MEMORANDUM OF POINTS AND AUTHORITIES**

18 **I. INTRODUCTION**

19 This lawsuit is one of a seemingly endless series of frivolous suits filed by Daniel Dydzak
 20 (“Dydzak” or “Plaintiff”) either challenging his 2010 disbarment in California, or else suing and
 21 attacking the judges, judicial officers, public officials, and other individuals who have been
 22 involved in various lawsuits he filed – most arising in one way or another from his disbarment.
 23 Plaintiff, who has been designated a vexatious litigant in both state and federal courts, has
 24 included as defendants in these lawsuits many individuals and companies that have no rational
 25 connection to Dydzak’s disbarment - MidFirst is one.

26 This matter should be dismissed for the following reasons, each of which is sufficient in
 27 and of itself.

1 First, Plaintiff is a registered vexatious litigant who is subject to a March 19, 2018 order
 2 from the Northern District of California prohibiting him from pursuing any suit in *any* federal
 3 court “arising out of, or related to his disbarment” without leave of court. (See *infra* n.3). Plaintiff
 4 does not have leave of court to pursue this suit, and does not allege he does.

5 Second, Plaintiff’s totally unsupported, specious, and frankly inconceivable allegations
 6 of conspiracy against MidFirst (i.e., that MidFirst and others had ex parte contacts with judicial
 7 officers then handling the appeal of his disbarment) do not even come close to satisfying the
 8 pleading standards under *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) and *Bell Atl. Corp. v.*
 9 *Twombly*, 550 U.S. 544, 556 (2007).

10 Third, Plaintiff cannot establish subject matter jurisdiction, nor has he established
 11 personal jurisdiction over MidFirst.

12 For all of these reasons, the Complaint should be dismissed without leave to amend.

13 **II. STATEMENT OF RELEVANT FACTS**

14 **A. UNDERLYING FACTS**

15 On December 2, 2009, the State Bar of California recommended that Dydzak be
 16 disbarred. <https://apps.calbar.ca.gov/courtDocs/04-O-14383-1.pdf>. He was subsequently
 17 disbarred, effective June 11, 2010. <https://apps.calbar.ca.gov/attorney/Licensee/Detail/121857>.

18 Plaintiff filed a petition for writ of review on April 1, 2010. On May 12, 2010, the
 19 California Supreme Court denied Plaintiff’s petition for writ of review and ordered him disbarred
 20 from the practice of law in California. On May 24, 2010, Plaintiff filed a petition for writ of
 21 certiorari with the U. S. Supreme Court. On October 4, 2010, the U.S. Supreme Court denied
 22 Plaintiff’s petition for writ of certiorari. On January 11, 2012, Plaintiff filed a motion in the
 23 California Supreme Court to reopen his disciplinary case due to fraud upon the court and to
 24 reverse and set aside the disbarment order. On February 15, 2012, the California Supreme Court
 25 denied Plaintiff’s motion to reopen his disciplinary case and set aside the disbarment order.

26 Six years later, on March 1, 2018, Plaintiff filed a second motion in the California
 27 Supreme Court to reopen his disciplinary case and set aside the disbarment order. On May 9,

2018, the California Supreme Court denied Plaintiff's second motion to reopen his disciplinary case and set aside the disbarment order. From May 14, 2018, and over the next year, Plaintiff filed several more motions to reopen his disciplinary case or for other relief, including a motion for an order to show cause, filed on April 22, 2019. On September 11, 2019, the California Supreme Court denied Plaintiff's motion for an order to show cause and stated "[t]his matter is now final. The court will no longer consider challenges to petitioner's disbarment." *See* California Supreme Court, Case No. S179850.²

In the meantime, Plaintiff initiated multiple lawsuits, challenging various adverse judicial rulings Plaintiff had received in various cases he previously had filed, naming multiple judges, justices, judicial officers, clerks, the husband of a judge, and other individuals and entities (similarly to the present case), including 1st Century Bank (to which MidFirst is the successor entity by merger). The tortuous history of these lawsuits need not be related in detail here, but are discussed at some length in *Dydzak v. United States*, 2018 U.S. Dist. LEXIS 44805, *3-9 (N.D. Cal. 2018).³ All such actions were ultimately dismissed, and Plaintiff appealed those dismissals, with the 9th Circuit ultimately ruling that such appeals were frivolous. *Dydzak v. Chen*, 2019 U.S. App. LEXIS 119639 (9th Cir. 2019) ("Upon a review of the record, we conclude this appeal is frivolous."); *Dydzak v. United States*, 2018 U.S. App. LEXIS 105029 (9th Cir.

² The Supreme Court proceedings are available on the Court of Appeal website at: https://appellatecases.courtinfo.ca.gov/search/case/dockets.cfm?dist=0&doc_id=1932723&doc_no=S179850&request_token=NiWLEmPkw4WzAtSCM9TEIJQEA0UDxfJCBOJz9TMCAgCg%3D%3D.

³ *Dydzak v. United States*, 2018 U.S. Dist. LEXIS 44805, (N.D. Cal. Mar. 19, 2018) (attached hereto as **Exhibit 1**), *Dydzak v. United States*, 2018 U.S. Dist. LEXIS 44842 (N.D. Cal. 2018) (attached hereto as **Exhibit 2**) and www.courts.ca.gov/documents/vexlit.pdf (applicable page attached hereto as **Exhibit 3**). The Court may take judicial notice of these. Fed. R. Evid. 201(b); *Harris v. Cty. of Orange*, 682 F.3d 1126, 1132 (9th Cir. 2012) ("We may take judicial notice of undisputed matters of public record, including documents on file in federal or state courts.") (citation omitted); *see also Trigueros v. Adams*, 658 F.3d 983, 987 (9th Cir. 2011) (stating that the court "may take [judicial] notice of proceedings in other courts, both within and without the federal judicial system, if those proceedings have a direct relation to matters at issue") (citation omitted); *Baker v. Firstcom Music*, 2021 U.S. Dist. LEXIS 250351, *6 (C.D. Cal. 2021) (granting request for judicial notice of vexatious litigant list because it is "capable of accurate and ready determination," as it was prepared by the Administrative Office of the California Courts"); *Rupert v. Bond*, 2013 U.S. Dist. LEXIS 134318, at *5 (N.D. Cal. 2013) (accord).

2018) (“Upon a review of the record and the response to the court’s January 11, 2018 order, we conclude this appeal is frivolous.”)

Plaintiff was declared a vexatious litigant multiple times – including by Central District of California, the Los Angeles Superior Court, and the San Diego Superior Court. *See e.g.*, <https://www.courts.ca.gov/documents/vexlit.pdf> (listing Dydzak as a vexatious litigant); *Dydzak v. United States*, 2018 U.S. Dist. LEXIS 44842, *5, fn. 3 (N.D. Cal. 2018). On March 19, 2018, Judge Maxine Chesney of the Northern District of California, ruled as follows as to Plaintiff:

Plaintiff is hereby PROHIBITED from initiating any further litigation in this *or any other federal court* raising any claim based on, *arising out of, or related to his disbarment* or alleging that orders entered in lawsuits previously filed by him related to the same were rigged, fixed, or otherwise unlawful or illegitimate, without prior authorization from the federal court in which he seeks to initiate such litigation.

Dydzak, 2018 U.S. Dist. LEXIS 44842, at *5 (emphasis added).

B. THIS ACTION

This action arises out of Plaintiff’s disbarment. In particular, in the Third Cause of Action (“Conspiracy to Unlawfully Interfere With the Processes of the Court”) Plaintiff claims that MidFirst (and others) “had improper, unethical and illegal ex parte, extra-judicial communications and contacts with Defendants CANTIL-SAKAUYE and NAVARRETTE on or about September 11, 2019, and on other occasions thereafter, and continuing to the present, to affect the outcome of the California Supreme Case No. S179850 and harm Dydzak.” Compl., ¶ 39 (ECF No. 1-2). As noted above, California Supreme Case No. S179850 is a proceeding pertaining to Dydzak’s disbarment. Hon. Tani Cantil-Sakauye is the Chief Justice of the California Supreme Court. Jorge E. Navarrete is Court Administrator and Clerk of the Supreme Court. Plaintiff does not offer any allegations indicating how this matter has any connection to Nevada, what part MidFirst played in this alleged conspiracy, or why.

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1 **III. LEGAL ARGUMENT**

2 **A. PLAINTIFF IS BARRED FROM PURSUING THIS ACTION WITHOUT** 3 **LEAVE OF COURT**

4 The Northern District of California has issued an order prohibiting Plaintiff from
 5 initiating any further litigation in “this or any other federal court” arising from or related to his
 6 disbarment without court approval.

7 Where a district court issues an order barring a plaintiff from pursuing litigation in any
 8 federal court, that ruling is binding outside of the district where it was issued. *Justice v. Luna*,
 9 2016 U.S. Dist. LEXIS 164557, *2-3 (E.D. Cal. 2016) (dismissing action by vexatious litigant
 10 where another district issued vexatious litigant order prohibiting plaintiff “from filing any new
 11 civil actions in any federal court of the United States, without first obtaining leave of that court.”)

12 As explained in *Justice v. Luna*,

13 A court may dismiss a complaint filed by a vexatious litigant that violates an
 14 injunctive order entered by another court. *See Dantzler v. United States Equal*
 15 *Emp’t Opportunity Comm’n*, 810 F. Supp. 2d 312, 319 (D.D.C. 2011); *see also*
 16 *In re Fillbach*, 223 F.3d 1089, 1090 (9th Cir. 2000) (noting court has authority to
 17 dismiss where litigant filed in one district court to avoid a vexatious litigant order
 in another court); *Justice v. Koskinen*, 109 F. Supp. 3d 142, 147 (D.D.C. 2015)
 (“It is well-settled that a court may dismiss a complaint filed by a vexatious
 litigant that violates an injunctive order entered by another court.”) (citation
 omitted).

18 This is true even where another party removed the action to federal court. *Dantzler v. United*
 19 *States EEOC*, 810 F. Supp. 2d 312, 319 (D.D.C. 2011); *see Whitehead v. Twentieth Century Fox*
 20 *Film Corp.*, 2005 U.S. Dist. LEXIS 18893, 2005 WL 3275905, at *1 (D.D.C. Aug. 29, 2005)
 21 (dismissing the plaintiff’s claim that was filed in state court to avoid a prior injunction issued in
 22 federal court, thereby violating the “intent and spirit” of the injunctive order); *Martin-Trigona v.*
 23 *Shaw*, 986 F.2d 1384, 1387 (11th Cir. 1993) (concluding that the “district court was within its
 24 authority in dismissing” a suit for failure to comply with another jurisdiction’s pre-filing
 25 injunction, and noting that the pre-filing injunction had been enforced “by various courts around
 26 the country”).

Thus, for example, in *Jemzura v. Mikoll*, 2001 U.S. Dist. LEXIS 13550 (N.D.N.Y. 2001), a district court issued an order barring the plaintiffs from filing lawsuits pertaining to certain topics in the Northern District of New York without making various certifications, and without seeking leave of court. *Id.* at *4. Like Plaintiff in the present case, the *Jemzura* plaintiffs did not initiate their claim in federal court, but rather in state court. However, when defendants removed the case to the Northern District of New York, the trial court dismissed the case, finding that it fell “squarely” within the parameters of the vexatious litigant prohibition. As noted in *Dantzler v. United States EEOC*, 810 F. Supp. 2d 312, 319 (D.D.C. 2011), “[a] litigant should not be allowed to intentionally circumvent the spirit and intent of an injunction barring future filings by simply filing a new complaint in another court or jurisdiction.” *Id.*

Here, Plaintiff is specifically barred from pursuing litigation in any “federal court raising any claim based on, arising out of, or related to his disbarment” without “prior authorization from the federal court in which he seeks to initiate such litigation.” This lawsuit, centering on alleged conspiracies pertaining to Dydzak’s disbarment proceedings (*see* California Supreme Court, Case No. S179850) falls squarely within the parameters of the Northern District of California’s injunction. Plaintiff has not alleged he is authorized to pursue this suit, and it is clear he has not been so authorized. Plaintiff has been deemed a vexatious litigant in both California state and federal courts. *See e.g.*, <https://www.courts.ca.gov/documents/vexlit.pdf>. His attempt to take advantage of *Nevada’s* courts to give a new lease on life to his long-discredited claims should not stand and runs contrary to the spirit and intent of the injunction issued by the Northern District of California. For this reason alone, this matter should be dismissed with prejudice.

**B. AS TO MIDFIRST, PLAINTIFF HAS FAILED TO ASSERT CLAIMS
FOR WHICH RELIEF CAN BE GRANTED**

In addition, it is clear that, as to MidFirst (and all of the other Defendants, in fact), Plaintiff has not come close to asserting allegations sufficient to satisfy pleading requirements.

In considering a Rule 12(b)(6) motion to dismiss, a complaint “must plead ‘enough facts to state a claim to relief that is plausible on its face.’” *Cousins v. Lockyer*, 568 F.3d 1063, 1067

(9th Cir. 2009). A complaint “must plead ‘enough facts to state a claim to relief that is plausible on its face.’” *Id.* “A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Ashcroft*, 556 U.S. at 678; *see also Twombly*, 550 U.S. at 556. The plausibility standard “asks for more than sheer possibility that a defendant acted unlawfully.” *Id.* A claim that is possible but is not supported by enough facts to “nudge [it] across the line from conceivable to plausible . . . must be dismissed.” *Twombly*, 550 U.S. at 570.

The sole claim against MidFirst (Third Cause of Action) is for “Conspiracy to Interfere with the Processes of the Court.” An actionable civil conspiracy “consists of a combination of two or more persons who, by some concerted action, intend to accomplish an unlawful objective for the purpose of harming another, and damage results from the act or acts.” *Consol. Generator-Nevada v. Cummins Engine Co.*, 114 Nev. 1304, 1311 (1998).

However, as explained in *Dydzak v. United States*, 2017 U.S. Dist. LEXIS 180458, *11 (N.D. Cal. 2017), when addressing equally specious and unsupported allegations of conspiracy by the same plaintiff, “it is not sufficient to merely allege a conspiracy.” Rather,

a complaint must include “enough factual matter (taken as true) to suggest that an agreement was made.” *Twombly*, 550 U.S. at 556. The standard “calls for enough fact to raise a reasonable expectation that discovery will reveal evidence of an illegal agreement.” *Id.* Courts should not “permit factfinders to infer conspiracies when such inferences are implausible.” *Stanislaus Food Prods. Co. v. USS-POSCO Industries*, 803 F.3d 1084, 1089 (9th Cir. 2015) (citation and quotation omitted); *see also Burns v. County of King*, 883 F.2d 819, 821 (9th Cir. 1989) (a plaintiff “must state specific facts to support the existence of the claimed conspiracy” to state a claim for conspiracy to violate one’s constitutional rights). “Conclusory allegations” that private parties conspired with government officials to deprive a plaintiff of their civil rights are insufficient to state a claim. *See Simmons v. Sacramento County Sup. Ct.*, 318 F.3d 1156 (9th Cir. 2003); *see also Bhardwaj v. Pathak*, 668 Fed.Appx. 763, 765 (9th Cir. 2016) (affirming dismissal of claims that judge, attorneys, and court reporter conspired to tamper with hearing transcripts as “highly implausible, vague, and conclusory as to the existence of a conspiracy”).

Id.; *see also Rozario v. Richards*, 2015 U.S. Dist. LEXIS 190466, *16 (C.D. Cal. 2015) (“inconceivable conjecture does not pass the *Iqbal-Twombly* threshold and cannot support a claim for civil conspiracy.”); *Little v. Washington*, 2012 U.S. Dist. LEXIS 47120, *6 (W.D.

Wash. 2012) (dismissing complaint that “does not contain specific factual allegations from which the court could conclude that Defendants entered into a civil conspiracy.”)

Here, Plaintiff simply asserts without more that he is “informed and believes” that “Defendants” (including MidFirst) “had improper, unethical and illegal ex parte, extra-judicial communications and contacts with Defendants CANTIL-SAKAUYE and NAVARRETTE on or about September 11, 2019, and on other occasions thereafter, and continuing to the present, to affect the outcome of the California Supreme Case No. S179850 and harm Dydzak.” Compl., ¶ 39 (ECF No. 1-2). Plaintiff does not explain how MidFirst (among others) achieved this feat, why any of the Defendants would have engaged in it, or any of the other details needed to make this “highly implausible, vague, and conclusory” allegation of conspiracy plausible. Again, Plaintiff must allege sufficient facts to “nudge” his claim “across the line from conceivable to plausible” or his case “must be dismissed.” *Twombly*, 550 U.S. at 570. At this point, Plaintiff’s claims are not even conceivable, let alone plausible. Therefore, even if Plaintiff had established personal jurisdiction, and had not been prohibited from pursuing this action, this matter would still be subject to dismissal.

C. PLAINTIFF FAILS TO ESTABLISH SUBJECT MATTER JURISDICTION OVER THIS LAWSUIT, OR PERSONAL JURISDICTION OVER MIDFIRST

As discussed at length in briefs filed by other parties in this matter (*see e.g.*, Dato’s Motion to Dismiss, ECF No. 14, at pages 9-10), this Court has no subject matter jurisdiction over this suit, which is little more than an attempt to relitigate Dydzak’s California disbarment in Nevada. As discussed in *Clark v. State of Washington*, 366 F. 2d 678 (9th Cir. 1966), a lower federal court has no subject matter jurisdiction to consider a collateral attack of a decision by a state court to disbar an attorney. *See also, Dist. Of Columbia Ct. of App. v. Feldman*, 460 U.S. 462, 482 n. 16 (1983) (“[O]rders of a state court relating to the admission, discipline, and disbarment of members of its bar may be reviewed only by the Supreme Court of the United States on certiori to the state court, and not by means of an original action in a lower federal

1 court.”) (citations omitted). Likewise, under the Rooker-Feldman doctrine, lower federal courts
2 are without jurisdiction to consider constitutional claims that are “inextricably intertwined” with
3 questions pending before the state courts. *Gulda v. North Strabane Township*, 146 F.3d 168 (3d
4 Cir. 1998); *Plyler v. Moore*, 129 F. 3d 728 (4th Cir. 1997). As this entire action is nothing more
5 than a collateral attack on the California disbarment of Dydzak, this Court has no jurisdiction
6 over the subject matter of this action.

7 Dydzak also has not established personal jurisdiction over MidFirst. As explained
8 recently in *Jardine v. Yamada & Sons, Inc.*, 2022 U.S. Dist. LEXIS 118339 (D. Nev. July 1,
9 2022), “[t]here are two types of personal jurisdiction: general and specific.” *Id.* (citation omitted).
10 General jurisdiction exists where a business entity’s principal place of business is, or where it is
11 incorporated, or else through continuous and systematic contacts. *Id.* at *3. Plaintiff makes no
12 allegations as to this with respect to 1st Century or Bancshares, or as to MidFirst.⁴ Compl., ¶¶
13 14-15; (ECF Nos. 1-2).

14 Specific jurisdiction depends upon the three-prong minimum contacts test, which must
15 satisfy all three of the following: (a) the non-resident defendant must purposefully directed its
16 activities to the forum, (b) plaintiff’s claims must have arisen out of or relate to the defendants’
17 forum-related activities, and (c) the exercise of jurisdiction must be reasonable. *Jardine, supra*
18 at *4. Here, Plaintiff does not even attempt to satisfy any of these elements. Crucially, nothing
19 in this case is alleged to have arisen out of any activity by MidFirst in Nevada. Indeed, this case
20 has nothing to do with Nevada; the allegations, such as they are, are that MidFirst (and many
21 others) had *ex parte* contacts with **California** judges pertaining to a **California** action (i.e.,
22 California Supreme Court Case No. S179850). The only tenuous relationship this case has to
23 Nevada, according to the allegations, is that “one of the parties” (Plaintiff does not say which)
24 resides in Nevada. Compl., ¶ 28 (ECF No. 1-2); see *Jardine, supra* at *5 (“[m]ere ‘bare bones’
25 assertions of minimum contacts with the forum or legal conclusions unsupported by specific
26

27
28 ⁴ In fact, MidFirst is a federally chartered savings association with its headquarters in Oklahoma.

1 factual allegations will not satisfy a plaintiff's pleading burden.") As such, the Complaint
 2 establishes no basis for personal jurisdiction over MidFirst.

3 **IV. CONCLUSION**

4 For the foregoing reasons, MidFirst's motion to dismiss should be sustained. Leave to
 5 amend should be denied, since amendment would be futile. *Bryant v. BNSF Ry.*, 725 Fed. Appx.
 6 572, 573 (9th Cir. 2018) ("The district court properly dismissed without leave to amend because
 7 amendment would have been futile.")

8 Dated this 20th day of July, 2022.

9 **QUINTAIROS, PRIETO, WOOD &
 10 BOYER, P.A.**

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 24 *CENTURY BANK and/or 1ST CENTURY*
 25 *BANCSHARES INC.)*

CERTIFICATE OF SERVICE

I hereby certify that on this date, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF System and through that service, a copy was sent with e-notice to all parties.

Dated: July 20, 2022

/s/ Christine L. Miller
An Employee of QUINTAIROS, PRIETO,
WOOD & BOYER, P.A.

INDEX OF EXHIBITS

Exhibit No.	Exhibit Description	No. of Pages
1	<i>Dydzak v. United States</i> , 2018 U.S. Dist. LEXIS 44805 (N.D. Cal. Mar. 19, 2018)	5
2	<i>Dydzak v. United States</i> , 2018 U.S. Dist. LEXIS 44842 (N.D. Cal. March 19, 2018)	2
3	Vexatious Litigant List	1

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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

DANIEL DAVID DYDZAK,

Plaintiff,

Case No.: 2:22-cv-01008-APG-VCF

vs.

TANI CANTIL-SAKAUYE; JORGE
NAVARRETE; THOMAS LAYTON a/k/a TOM
LAYTON; CHARLES SCHWAB; DONALD F.
MILES; JOHNNIE B. RAWLINSON; BARRY
G. SILVERMAN; WILLIAM A. FLETCHER;
PETER LIND SHAW; RONALD M. GEORGE;
ERIC M. GEORGE; ALAN L. ROTHENBERG;
1ST CENTURY BANK; 1ST CENTURY
BANCSHARES, INC.; EDWARD EPHRAIM
SCHIFFER; SIDNEY R. THOMAS; WILLIAM
DATO; MAXINE M. CHESNEY; MOLLY C.
DWYER; GEORGE H. KING; A. WALLACE
TASHIMA; FERDINAND FRANCIS
FERNANDEZ; KIM MCCLANE WARDLAW;
WILLIAM C. CANBY; RONALD M. GOULD;
RICHARD C. TALLMAN and DOES 1 through
50, inclusive,

Defendants.

DEFENDANT DONALD F. MILES'
MOTION TO DISMISS COMPLAINT

Defendant Donald F. Miles, a retired California State Bar Court Hearing Judge ("Retired-Retired-Judge Miles"), by and through his counsel of record, Craig R. Anderson, Esq., of Marquis Aurbach, pursuant to Federal Rule of Civil Procedure 12(b)(1) and 12(b)(2), hereby moves to dismiss Plaintiff's Complaint for lack of subject matter jurisdiction and lack of personal jurisdiction. Alternatively, Retired-Judge Miles, pursuant to Federal Rule of Civil

Procedure 12(b)(5), hereby moves to dismiss for failure to state a claim for relief.¹

This Motion is made and based upon all the pleadings and papers on file herein, the attached Points & Authorities, and together with any argument that may be introduced at the time of hearing.

Dated this 12th day of July, 2022.

MARQUIS AURBACH

By s/Craig R. Anderson
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MEMORANDUM OF POINTS & AUTHORITIES

I. INTRODUCTION

A. NATURE OF THE CASE

1. Plaintiff's allegations.

Plaintiff Daniel D. Dydzak ("Plaintiff") is a disbarred California attorney who filed suit in the Eighth Judicial District Court of Nevada on February 3, 2022. For the past twelve-years, Plaintiff has attempted to challenge and unwind his 2010 California State Disbarment. (*See* California Supreme Court Case No. S179850.) The claims made by Plaintiff in this lawsuit have been rejected numerous times by California State and federal courts. *See e.g., Dydzak v. United States*, 2017 WL 4922450 (N.D. Cal. Oct. 31, 2017); *Dydzak v. Chen*, 2018 WL 10455693 (N.D. Cal. April 20, 2018). As a result of Plaintiff's actions, he has been declared a vexatious litigant in California. *See Dydzak v. Cantil-Sakaye*, No. C11-5560-JCC, ECF No. 35 (C.D. Cal. Sept. 25, 2012) (**Exhibit A.**) Due to his inability to sue in California courts, Plaintiff has now moved his claims to Nevada.

¹ Donald Miles filed this Motion to Dismiss in the Eighth Judicial District Court on June 20, 2022 prior to the removal of this action. It is refiled in this Court to have it on the docket and ruled upon in the normal course.

In this case, Plaintiff, a California resident, has sued 24 defendants, the majority of which are current or former California state judicial officers or judges of federal, district, and appellate courts located in California. Retired-Judge Miles is a retired California State Bar Court Hearing Judge who has no ties or connections to Nevada.

Retired-Retired-Judge Miles is only mentioned in Plaintiff's Third Cause of Action. The Third Cause of Action alleges upon information and belief² that various defendants had "improper, unethical and illegal ex parte, extra-judicial communications and contacts with [California Supreme Court Defendant] on or about September 11, 2019." (Compl. at ¶39.) Plaintiff claims that these communications were designed to "affect the outcome of the California Supreme Court Case No. S179850 and harm [Plaintiff]." (*Id.*) This is the extent of Plaintiff's allegations against Retired-Retired-Judge Miles.

This lawsuit is clearly an improper attempt by Plaintiff to bring the California actors who participated in Plaintiff's 2010 disbarment into court in Nevada to try to collaterally attack his disbarment and the appellate orders affirming the disbarment. This Court lacks both subject matter jurisdiction and personal jurisdiction to do so.

2. Nature of the State Bar of California

The State Bar of California is a constitutional entity, established by Article VI, section 9 of the California Constitution, and expressly acknowledged as an integral part of the judicial function. *See* Cal. Const., art. VI, § 9; Cal. Bus. & Prof. Code, § 6001; *In re Rose*, 22 Cal.4th 430, 438 (2000). It is a public corporation created as an administrative arm of the California Supreme Court for the purpose of assisting in matters of admission and discipline of attorneys. *See In re Attorney Discipline Sys.*, 109 Cal. 4th 582, 598-99 (1998). Although the State Bar conducts its disciplinary proceedings under statutory authority, the California Supreme Court retains inherent power to control all matters related to attorney discipline. *Id.*

² Although not critical to this Motion, Retired-Judge Miles vigorously asserts to the Court there is no truth to this allegation.

Attorneys subject to disciplinary proceedings are afforded constitutionally sufficient procedural due process. *Rosenthal v. Justices of the Supreme Court of California*, 910 F.2d 561, 564-65 (9th Cir. 1990). The California State Bar independently hears matters concerning attorney discipline. Cal. Bus. & Prof. Cod §§ 6086.5, 6086.65. The California State bar includes a Hearing Department, which conducts formal trial proceedings, and a Review Department, which functions as an appellate body independently reviewing determinations of the Hearing Department on a *de novo* basis. Ca. R. Ct. 9.12; Cal. Bus. & Prof. Cod §§ 6079.1, 6086.65. California State Bar Court decision are only recommendations to the California Supreme Court, which undertakes an independent determination. *In re Rose*, 22 Cal. 4th at 439. Denial of review of a decision of the State Bar Court is a final judicial determination on the merits. *Id.* at 443-45.

B. JURISDICTIONAL ALLEGATIONS

Plaintiff admits that he is an individual residing in the County of Los Angeles, California. (Compl at ¶2.) Plaintiff sued Retired-Judge Miles as “an individual residing in Redding, California.” (Compl at ¶5.) Plaintiff is also suing California Supreme Court Judges, State Bar of California Judges, California State Bar investigators and panel members, Ninth Circuit Court of Appeals Article III judges, a California bank, and a State of Delaware corporation. (Compl. at ¶¶2-25.) There is no allegation that any of the defendants took any action in Nevada or did something direct toward the state.

The only mention of Nevada in the entire Complaint is Plaintiff’s allegation that Ninth Circuit Judge Johnny B. Rawlinson is an individual residing in the City of Las Vegas. (*Id.* at ¶7.) Despite this allegation, there is no representation that she performed any judicial or non-judicial act in Nevada. The Complaint implies that Judge Rawlinson’s only involvement in the case is as a Ninth Circuit Judge assigned to one of Plaintiff’s appeals in a Court based in San Francisco, California. The allegations against Judge Rawlinson are not involved in the Plaintiff’s third cause for relief – the only claim against Retired-Retired-Judge Miles.

II. STANDARDS OF REVIEW

A. **LEGAL STANDARDS FOR SUBJECT MATTER, JURISDICTION, AND PERSONAL JURISDICTION**

Subject matter jurisdiction is a question of law. The Nevada Rules of Civil Procedure provide that the defense of lack of jurisdiction over the subject matter, may, at the option of the defendant, be made by motion. *See* NRCP 12(b)(1). Nevada Rule of Civil Procedure (12)(h)(3) provides that “[w]hensoever it appears by suggestion of the parties or otherwise that the court lacks jurisdiction of the subject matter, the court shall dismiss the action.” The District Court thus may properly dismiss a complaint when a lack of subject matter jurisdiction is apparent on the face of the complaint. *Rosequist v. Int’l Ass’n of Firefighters Local 1908*, 118 Nev. 444, 448 (2002). The question of subject matter jurisdiction “‘can be raised by the parties at any time . . . and cannot be conferred by the parties’.” *Landreth v. Malik*, 127 Nev. 175, 177 (211) (quoting *Swan v. Swan*, 106 Nev. 464, 469 (1990)). The plaintiff has the burden of proving subject matter jurisdiction. *See Morrison v. Beach City, LLC*, 116 Nev. 34, 36 (2000). If the movant challenges the existence of subject matter jurisdiction, the pleadings are treated as evidence on the issue. The non-moving party cannot rest on the allegations of the complaint but must present evidence to defeat the motion. *Nevada v. U.S.*, 221 F.Supp. 2d 1241, 1248 (D. Nev. 2002); *Charles A. Wright & Arthur R. Miller*, Federal Practice and Procedure §1363 at 653-54 (1969).

To survive a motion to dismiss for lack of personal jurisdiction, a plaintiff must “make a prima facie showing of personal jurisdiction” by “[producing] some evidence in support of all facts necessary for a finding of personal jurisdiction.” *Trump v. Eighth Judicial Dist. Ct.*, 109 Nev. 687, 692 (1993). However, when considering a motion to dismiss for lack of personal jurisdiction, the plaintiff is required to go beyond the pleadings and proffer some competent evidence supporting a finding of personal jurisdiction. *Id.* at 693.

B. **LEGAL STANDARDS FOR FAILURE TO STATE A CLAIM FOR RELIEF**

Nevada Rule of Civil Procedure 12(b)(5) requires that the District Court must view all factual allegations in the complaint as true, and draw all reasonable inferences in favor of the

1 non-moving party. *Kourafas v. Basic Food Flavors, Inc.*, 120 Nev. 195, 197 (2004). Dismissal
2 is appropriate only if appears “beyond a reasonable doubt” that the plaintiff cannot prove a set of
3 facts that would entitle him to relief. *Id.* Still, “[t]o survive dismissal, a complaint must still
4 contain some ‘set of facts, which, if true, would entitle [the plaintiff] to relief.’” *Buzz Stew, LLC*
5 *v. City of N. Las Vegas*, 124 Nev. 224, 228 (2008).

6 When the issue of absolute immunity is raised, it should be decided as early as possible
7 because it is an immunity from suit and not merely damages. *See Shmueli v. City of New York*,
8 424 F.3d 231 (2d Cir. 2005) (affirmative defense of absolute immunity should be decided at the
9 earliest stage and can be raised in a 12(b)(6) motion). The United States Supreme Court has
10 recognized that claims of immunity should be decided as early as possible to “avoid excessive
11 disruption of government.” *Harlow v. Fitzgerald*, 457 U.S. 800, 818 (1982); *see also State of*
12 *Nevada v. Second Judicial District Court*, 118 Nev. 609, 615 (2002) (absolute immunity is a
13 broad grant of immunity not just from the imposition of civil damages, but also from the burdens
14 of litigation, generally).

15 C. JUDICIAL NOTICE OF COURT DOCUMENTS

16 Retired-Judge Miles requests that this court take judicial notice of the publicly recorded
17 documents without converting this motion into one for summary judgment. In *Breliant v.*
18 *Preferred Equities Corp.*, 109 Nev. 842, 847 (1993), the Nevada Supreme Court stated that a
19 court may consider matters of public record in ruling on a motion to dismiss. It is well
20 established that a court may take judicial notice of facts that are not subject to reasonable dispute
21 as evidenced by public records outside of the Rule 56 context. *MGIC Indemn. Corp. v.*
22 *Weisman*, 803 F.2d 500, 504 (9th Cir. 1986). This includes taking judicial notice of pleadings,
23 memoranda, and other court filings. *Reyn’s Pasta Bella, LLC v. VISA USA, Inc.*, 442 F.3d 741,
24 746 N.6 (9th Cir. 2006).

25 III. LEGAL ARGUMENT

26 A. THIS COURT LACKS SUBJECT MATTER JURISDICTION OVER THIS 27 CASE

28 Plaintiff’s lawsuit is attempting to make a collateral attack on attorney discipline rendered

by the State Bar of California against plaintiff's attorney license in the State of California. State supreme courts are the entities responsible for monitoring the attorney behavior of members of their state bar and the attorney discipline that occurs in their state. Nevada courts lack subject matter jurisdiction to evaluate attorney discipline imposed by the California Supreme Court. In Nevada, Supreme Court Rule 105(3)(b) provides subject matter jurisdiction for the Nevada Supreme Court to automatically review public discipline imposed by Nevada State Bar hearing panel. It does not provide subject matter jurisdiction to review public discipline imposed by the California Supreme Court. Relatedly, there is no statute providing jurisdiction for a state district court to review attorney discipline imposed by any state bar—including Nevada.

In *Clark v. State of Washington*, 366 F.2d 678 (9th Cir. 1996), the Ninth Circuit held that a lower federal court did not have subject matter jurisdiction to consider a collateral attack on a decision by the Washington State Supreme Court to disbar an attorney. The United States Supreme Court agreed in *Dist. of Columbia Ct. of App. v. Feldman*, 460 U.S. 462, 482 N.16 (1983) (“[O]rders of a state court relating to the admission, discipline, and disbarment of members of its bar may be reviewed only by the Supreme Court of the United States certiorari to the State Court, and not by means of an original action in a lower federal court.”)(citations omitted)

Here, a state district court in Nevada does not have jurisdiction to review the decisions of the State Bar of California or to consider a collateral attack on prior decisions. See SCR 105(3)(b). Plaintiff's complaint is nothing more than a collateral challenge to its disbarment and the numerous denials of his attempts to overturn that disbarment. The complaint, therefore, is properly dismissed pursuant to Nevada Rule of Civil Procedure 12(b)(1) for lack of subject matter jurisdiction.

B. THIS COURT LACKS PERSONAL JURISDICTION OVER RETIRED-JUDGE MILES PURSUANT TO RULE 12(B)(2)

This Court lacks personal jurisdiction over Retired-Judge Miles. To survive this motion to dismiss, Plaintiff must “make a prima facie showing of personal jurisdiction” by [g]enerating some evidence in support of all facts necessary for finding personal jurisdiction.” *Trump*, 109

1 Nev. At 692. A court analyzes the issues of due process by considering whether personal
 2 jurisdiction is either “general” or “specific.” *See Helicopteros Nacionales De Columbia, S.A. v.*
 3 *Hall*, 466 U.S. 408, 414-415 (1984).

4 Here, Plaintiff has pled no facts in his complaint that would establish this Court’s
 5 personal jurisdiction—general or specific—over Retired-Judge Miles, who is a California
 6 resident. Plaintiff does not allege that the injuries he sustained occurred in Nevada, it is admitted
 7 that the Retired-Retired-Judge Miles was served in California, or that this case or Retired-Judge
 8 Miles has anything at all to do with the State of Nevada. *See Nguyen v. Margines*, 2021 WL
 9 5761766 *2 (D. Nev. Dec. 3, 2021) (dismissing the plaintiff’s suit against California State-Court
 10 Judges seeking damages against them for judgments entered against the plaintiffs in other cases
 11 in California due to lack of personal jurisdiction.) Therefore, the case against Retired-Judge
 12 Miles should be dismissed for want of personal jurisdiction pursuant to Nevada Rule of Civil
 13 Procedure 12(b)(2).

14 **1. Retired-Judge Miles is not subject to general jurisdiction in the State**
 15 **of Nevada.**

16 Since Retired-Judge Miles, a California State Bar Court Hearing Judge, has not had
 17 continuous and systematic contacts in Nevada, this Court lacks general jurisdiction over him.
 18 General jurisdiction only exists where the defendant’s activities in the forum state are so
 19 substantial or continuous and systematic that it may be deemed present in the forum and hence
 20 subject to suit over claims unrelated to its activities here. *Helicopteros*, 466 U.S. at 415-16;
 21 *Trump*, 109 Nev. at 699. This jurisdiction is permitted where a defendant is held to answer in a
 22 forum for causes of action unrelated to his forum activities due to the defendant’s pervasive
 23 contact with that forum in general. *Trump*, 109 Nev. 699.

24 In this case, Plaintiff’s complaint is clear that Retired-Judge Miles is a resident of the
 25 State of California and is domiciled in California. Further, the complaint makes clear that the
 26 conduct complained of occurred in California. Plaintiff’s complaint fails to establish any context
 27 with Nevada by any of the defendants.

Further, Exhibits A and B make clear that Plaintiff brought this lawsuit in Nevada to avoid the ramifications of continuing his vexatious litigation in the State of California. Plaintiff's mere allegation that the Honorable Judge Johnny Rawlinson may reside in Las Vegas does not establish personal jurisdiction for anyone, let alone Retired-Judge Miles.

2. The Court lacks specific jurisdiction because all of the alleged acts occurred in California.

Retired-Judge Miles does not have any contacts with the State of Nevada. The due process clause forbids hailing a defendant into court that does not have certain minimum contacts with the forum state such that jurisdiction does not offend traditional notions of fair play and substantial justice. *See International Shoe Co. v. State of Washington*, 326 U.S. 310, 316 (1945) (quotation omitted); *Fulbright & Jaworski LLP v. Eighth Judicial Dist. Court*, 131 Nev. 30, 36 (2015). Plaintiff's Complaint is void of any allegation even suggesting that Retired-Judge Miles has any contact with Nevada. Pursuant to Nevada law, Nevada Courts only have jurisdiction "over a party to a civil action on any basis not inconsistent with the constitution of this state or the Constitution of the United States." NRS 14.065(1); *Trump*, 109 Nev. at 692. Simply put, Nevada's long-arm statute is analogous to federal due process requirements. Under the United States Constitution, due process requires minimum contact between defendants and Nevada such that "the maintenance of the suit does not offend 'traditional notions of fair play and substantial justice'." *International Shoe*, 326 U.S. at 316 (quotation omitted). The defendant's contact with the forum state must be such that the defendant "should reasonably anticipate being hailed into court there." *World-Wide Volkswagen Corp. v. Woodson*, 444 U.S. 286, 297 (1980). To show specific jurisdiction, a plaintiff must demonstrate facts showing that the defendant purposefully availed himself of the privilege of acting in Nevada or caused important consequences here, that the cause of action arises from the defendant's activities in Nevada, and that those activities, or the consequences thereof, have such a substantial connection with Nevada as to make the exercise of jurisdiction over the defendant reasonable. *Consipio Holding, BV v. Carlberg*, 128 Nev. 454, 458-59 (2012).

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In the absence of general jurisdiction, specific jurisdiction only exists when a plaintiff can establish a three-part test. First, the plaintiff must establish that the non-resident defendant purposefully directed his activities or some transaction with the forum state or a resident thereof; or perform some act by which he purposefully availed himself of the privilege of conducting activities in the forum state. Second, the claim must be one that arises out of or relates to the defendant's forum-related activities. Third, and finally, the exercise of jurisdiction must comport with fair play and substantial justice; i.e., it must be reasonable. *Rutsky & Co. Ins. Services, Inc. v. American Special Risk Ins. Services*, 328 F.3d 1122, 1129 (9th Cir. 2003). It is the plaintiff who bears the burden of establishing personal jurisdiction as to all elements. *See Huffy Corp. v. Overlord Industries, et. al*, 246 F. Supp. 2d 1093, 1096 (D. Nev. 2003).

Here, Plaintiff makes no allegations that Retired-Judge Miles "purposefully directed" any activity towards Nevada. Plaintiff's Complaint is clear that all of the allegations involve defendants' activities that occurred in California. In addition, there is nothing to suggest that Plaintiff's claims arise out of any activities in the State of Nevada. Again, the Complaint is true that all of the activities occurred within the State of California. Since Retired-Judge Miles did not purposely avail himself of Nevada, and there are no forum-related activities alleged, jurisdiction is unreasonable. Plaintiff has failed to supply the Court with any facts that would establish specific jurisdiction. Therefore, Nevada Rule of Civil Procedure 12(b)(2) mandates dismissal.

IV. CONCLUSION

Based upon the above, the claims against Retired-Judge Miles should be dismissed due to lack of subject matter jurisdiction and lack of personal jurisdiction pursuant to Nevada Rules of Civil Procedure 12(b)(1) and (2).

Dated this 12th day of July, 2022.

MARQUIS AURBACH

By s/Craig R. Anderson
Craig R. Anderson, Esq.
Nevada Bar No. 6882
10001 Park Run Drive
Las Vegas, Nevada 89145
Attorney for Defendant Donald F. Miles

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **DEFENDANT DONALD F. MILES' MOTION TO DISMISS COMPLAINT** was submitted electronically for filing and/or service with the United States District Court on the 12th day of July, 2022. Electronic service of the foregoing document shall be made in accordance with the CM/ECF-Service List.

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid, addressed to:

Daniel David Dydzak
4265 Marina City Drive, Ste. 407W
Marina del Rey, CA 90292
Plaintiff Pro Per

s/Sherri Mong
an employee of Marquis Aurbach

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Exhibit A

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

DANIEL DAVID DYDZAK,

Plaintiff,

v.

TANI CANTIL-SAKAUYE, et al.,

Defendant.

CASE NO. C11-5560-JCC

ORDER

In its order of March 2, 2012, the Court dismissed on its own motion *pro se* Plaintiff Daniel Dydzak's Complaint and ordered Mr. Dydzak to show cause as to why he should not be sanctioned for failure to comply with Federal Rule of Civil Procedure 11(b). (Dkt. No. 16.) Shortly thereafter, this Court issued a second order to show cause, in which it directed Mr. Dydzak to show cause as to (1) why he should not be declared a vexatious litigant, and (2) why he should not be prohibited from initiating further litigation alleging deprivation of rights under 42 U.S.C. § 1983 relating to his disbarment without prior authorization. (Dkt. No. 19.) Plaintiff responded to each order to show cause on April 2 and April 5, 2012, respectively. (Dkt. Nos. 31, 32.) Having considered Plaintiff's responses and the balance of the record, the Court finds that Plaintiff has failed to show good cause and hereby ORDERS that plaintiff is declared a vexatious litigant and subject to this pre-filing order, as explained below.

//

ORDER
PAGE - 1

SER-343

1 **I. DISCUSSION**

2 As the Ninth Circuit has recognized, “[f]lagrant abuse of the judicial process cannot be
3 tolerated because it enables one person to preempt the use of judicial time that properly could be
4 used to consider the meritorious claims of other litigants.” *See De Long v. Hennessey*, 912 F.2d
5 1144, 1148 (9th Cir. 1990). To combat such abuses, litigation misconduct is sanctionable under
6 this Court’s inherent power, C.D. Cal. Local Rule 83-8, and Federal Rule of Civil Procedure 11.
7 In rare circumstances, such sanctions may take the form of a pre-filing order, which limits one’s
8 ability to initiate further litigation. *See De Long*, 912 F.2d at 1147 (recognizing “inherent power
9 of federal courts to regulate the activities of abusive litigants”); C.D. Cal. Local Rule 83-8.2
10 (authorizing court to issue “orders as are appropriate to control the conduct of a vexatious
11 litigant”); FED. R. CIV. P. 11(c)(4) (permitting Court to impose sanctions in the form of
12 nonmonetary directives). Before imposing a pre-filing order against a *pro se* litigant, however, a
13 district court must (1) provide the litigant with “adequate notice and a chance to be heard,” (2)
14 identify the “cases and motions that support the conclusion that [the litigant’s] filings are so
15 numerous or abusive that they should be enjoined,” (3) make “substantive findings as to the
16 frivolous or harassing nature of the litigant’s actions,” and (4) ensure that any pre-filing order is
17 “narrowly tailored to closely fit the specific vice encountered.” *Molski v. Evergreen Dynasty*
18 *Corp.*, 500 F.3d 1047, 1057 (9th Cir. 2007) (quoting *De Long*, 912 F.2d at 1145-48 (internal
19 quotation and citation omitted)). The purpose of these requirements is to ensure that the pre-
20 filing order does not “tread on the litigant’s due process right of access to the courts.” *Id.* This
21 Court addresses each of these requirements below.

22 **A. Notice and Opportunity to be Heard**

23 In the instant case, the Court finds that Mr. Dydzak was provided with adequate notice
24 and an opportunity to be heard. By its orders dated March 2 and March 7, 2012, this Court
25 directed Mr. Dydzak to show cause as to why he should not be sanctioned for failure to abide by
26 Rule 11(b) and why he should not be declared a vexatious litigant and subject to a pre-filing bar.

1 (Dkt. Nos. 16, 19.) Mr. Dydzak was given the opportunity to respond, which he did through two
2 separate opposition briefs. (Dkt. Nos. 31, 32.) In his responses to the orders to show cause,
3 Plaintiff also provided the Court with signed declarations in support of his opposition briefs. *Id.*
4 The Court has thoroughly considered each of Mr. Dydzak's responses and supporting materials.
5 Accordingly, Plaintiff was provided notice and afforded an opportunity to respond to the
6 possibility that he would be declared a vexatious litigant and subject to a pre-filing order. *See*
7 *Molski*, 500 F.3d at 1058-59; *cf. Pacific Harbor Cap., Inc. v. Carnival Air Lines, Inc.*, 210 F.3d
8 1112, 1118 (9th Cir. 2000) (imposing sanctions against attorney and holding that "[t]he
9 opportunity to brief the issue fully satisfies due process requirements").

10 **B. Adequate Record**

11 The second requirement is that this Court establish an adequate record of review. *See De*
12 *Long*, 912 F.2d at 1147-48. "An adequate record for review should include a listing of all the
13 cases and motions that led the district court to conclude that a vexatious litigant order was
14 needed." *Id.* at 1147. In this Court's prior order to show cause (Dkt. No. 19), the Court provided
15 a case-by-case and motion-by-motion replay of Mr. Dydzak's litigation history, which it includes
16 in full and supplements below.

17 This is Mr. Dydzak's fourth federal lawsuit challenging his 2008
18 disbarment. In the first such case, *Dydzak v. State of California, et al.*, C08-7765-
19 VAP (AGR) (C.D. Cal. 2008) (*Dydzak I*), Mr. Dydzak alleged that individual
20 defendants in separate actions he had been litigating prior to his disbarment had
21 exerted improper influence over his state bar proceedings. He sued the State of
22 California, the State Bar Court, and numerous judges and attorneys affiliated with
23 the State Bar Court for deprivation of rights under 42 U.S.C. § 1983. On the
24 defendants' motion to dismiss, U.S. Magistrate Judge Alicia Rosenberg
25 recommended that the claims for injunctive and declaratory relief be dismissed
26 based on *Younger* abstention, and that the claims for monetary relief be dismissed
based on Eleventh Amendment and quasi-judicial immunity. (*Id.*, Dkt. No. 45.)
U.S. District Judge Virginia Phillips adopted the report and recommendation and
granted the motion to dismiss. (*Id.*, Dkt. No. 48.)

Following entry of judgment in the matter, Mr. Dydzak filed a motion
requesting that Judges Phillips and Rosenberg be disqualified. The motion was
referred to Judge R. Gary Klausner, who issued an order denying the motion to

1 disqualify. (*Id.*, Dkt. No. 54.) Mr. Dydzak promptly moved to disqualify Judge
2 Klausner. In an eight-page order, Judge Margaret Morrow denied that motion.
3 (*Id.*, Dkt. No. 61.) Following a flurry of rejected motions by Mr. Dydzak,
4 including a motion for reconsideration, a motion to reopen his case, and an
5 additional motion to disqualify Judges Phillips and Rosenberg, Mr. Dydzak
6 moved to disqualify all of the judges in the U.S. District Court for the Central
7 District of California. (*Id.*, Dkt. No. 95.) That motion was referred to Judge
8 George Wu, who issued yet another thoroughly drafted order denying the motion.
9 (*Id.*, Dkt. No. 98.) Judge Wu also referred to Judge Morrow the issue of whether
10 to sanction Mr. Dydzak for his disregard of the prior-issued orders for
11 disqualification. Mr. Dydzak appealed the judgment in the matter to the Ninth
12 Circuit, which summarily affirmed. (*Id.*, Dkt. No. 107; CA 09-56325, Dkt. No. 12
13 (9th Cir. Nov. 18, 2009).)

14 On February 4, 2010, Mr. Dydzak submitted a new application to the court
15 to proceed *in forma pauperis*, along with a complaint naming the same defendants
16 named in *Dydzak I*, along with several additional individual defendants. *See*
17 *Dydzak v. Remke et al.*, C10-0828-UA-AGR (C.D. Cal. 2010). The proposed
18 complaint recycled the allegations from *Dydzak I*. Judge Audrey Collins denied
19 Mr. Dydzak's request to proceed *in forma pauperis* and rejected the complaint,
20 finding that it failed to state a claim, that *res judicata* barred claims that were the
21 same as those in *Dydzak I*, and that the claims for injunctive and declaratory relief
22 were barred by *Younger* abstention. (*Id.*, Dkt. No. 2.)

23 Ten days later, Mr. Dydzak initiated another lawsuit under 42 U.S.C. §
24 1983. *See Dydzak v. Remke, et al.*, C10-1297-AHM-AGR (C.D. Cal. 2010)
25 (*Dydzak II*). He named nearly all of the defendants from *Dydzak I*, along with
26 Judges Rosenberg, Phillips, Morrow, Klausner, Wu, and Collins. On Judge Percy
Anderson's order to show cause why the claims against the federal judges should
not be dismissed based on judicial immunity, Mr. Dydzak voluntarily dismissed
the claims against the judges, and Judge Anderson discharged the order. Judge
Gary Feess, the Case Management & Assignment Committee Chair for the
Central District, reassigned the case to Judge Phillips pursuant to General Order
08-05, which requires that when a case is closed and *an identical case is re-filed*,
it must be transferred to the originally assigned judge. (*Id.*, Dkt. No. 34.) As Judge
Phillips was a defendant in *Dydzak II*, she recused herself, and the matter was
again reassigned to Judge A. Howard Matz. Judge Matz denied Mr. Dydzak's
motion for a preliminary injunction, recounted Mr. Dydzak's multiple legal
challenges to his disbarment up to that point, and observed that the complaint in
the matter was "largely incoherent." (*Id.*, Dkt. No. 41.)

Mr. Dydzak appealed Judge Matz's order to the Ninth Circuit, but while
the appeal was pending, Judge Matz granted the State Bar defendants' motion to
dismiss. As in *Dydzak I* and the application rejected by Judge Collins, the court
held that the claims for declaratory and injunctive relief were barred by *Younger*

1 abstention and that the claims for monetary relief were barred by the Eleventh
2 Amendment. (*Id.*, Dkt. No. 51.) The Ninth Circuit denied Mr. Dydzak's
3 application to proceed *in forma pauperis* "because appellant has failed to show
4 that the appeal is not frivolous." (*Id.*, Dkt. Nos. 60, 62; CA 10-56000, Dkt. Nos. 5,
5 7 (9th Cir. 2011).)

6 Before the Ninth Circuit had rendered its order dismissing his appeal, Mr.
7 Dydzak had already filed his third lawsuit. See *Dydzak v. George, et al.*, C10-
8 5820-SVW (C.D. Cal. 2010) (*Dydzak III*). He again alleged deprivation of rights
9 under § 1983 and again named nearly all of the defendants from *Dydzak I* and *II*,
10 including the federal judge defendants from *Dydzak II*—Klausner, Morrow, Wu,
11 Phillips, Collins, and Rosenberg—despite the fact that Judge Anderson had
12 dismissed those claims *with prejudice*. (See *Dydzak II*, Dkt. No. 9.) This time, Mr.
13 Dydzak also sued the California Supreme Court and all seven of its justices
14 individually, along with Judges Matz and Feess. (*Dydzak III*, Dkt. No. 1.) He
15 repeated his allegations from *Dydzak I* and *II*, and larded his complaint with
16 additional allegations of bias, conspiracy, and duplicity against anyone even
17 peripherally involved in his state bar proceedings.

18 The State Bar of California immediately moved to dismiss the complaint,
19 and the United States moved to appear as *amicus curiae* regarding the issue of
20 judicial immunity. Notably, after Judge Stephen Wilson granted the United States
21 leave to appear, Mr. Dydzak voluntarily dismissed the claims against the federal
22 judges "without prejudice." (*Id.*, Dkt. No. 14.) On November 8, 2010, in an 18-
23 page order, Judge Wilson dismissed Mr. Dydzak's claims with prejudice because
24 (1) Mr. Dydzak was collaterally estopped from bringing his § 1983 claims against
25 the State Bar defendants; (2) the claims against the justices of the California
26 Supreme Court were barred by the doctrine of judicial immunity; and (3) the
Eleventh Amendment barred the claims against the remaining state entities. (*Id.*,
Dkt. No. 16.) Mr. Dydzak moved for reconsideration, which the court denied in
another thoroughly drafted order. (*Id.*, Dkt. No. 23.)

That did not end the matter for Mr. Dydzak. He again appealed the
dismissal of his complaint, and, as he had in *Dydzak I*, moved to disqualify Judge
Wilson and all judges and magistrate judges of the U.S. District Court for the
Central District of California. (*Id.*, Dkt. No. 28.) Ninth Circuit Chief Judge
Kozinski designated Robert Whaley, Senior U.S. District Judge for the Eastern
District of Washington, to adjudicate the motion to disqualify. Judge Whaley
denied the motion, noting that Mr. Dydzak's allegations were "based on
speculation and sources that have not been identified." (*Id.*, Dkt. No. 42.) The
Ninth Circuit again denied Mr. Dydzak's application to proceed *in forma pauperis*
because "the appeal is frivolous," and it ordered Mr. Dydzak to show cause why
the judgment should not be summarily affirmed. (*Id.*, Dkt. No. 40; CA 11-55143,
Dkt. No. 13 (9th Cir. April 20, 2011).) Following Mr. Dydzak's response to the
order to show cause, the Ninth Circuit summarily affirmed the district court on

1 July 7, 2011.

2 This brings us to the Complaint recently dismissed by this Court. (Dkt.
3 Nos. 1, 16.) For the fourth time in federal court, Mr. Dydzak alleged deprivation
4 of rights under § 1983, in a rehash of his previous three complaints. He sued the
5 California Supreme Court and its justices as individuals despite the prior
6 dismissal of those claims with prejudice. He sued Judges Klausner, Morrow,
7 Phillips, Collins, and Rosenberg despite the prior dismissal of those claims with
8 prejudice. For good measure, he sued nearly all other judges of the U.S. District
9 Court for the Central District of California, regardless of their involvement in his
10 prior matters. He also sued Judge Whaley for denying his motion to disqualify the
11 judges of the Central District in *Dydzak III*. The Court spelled out the various
12 fatal deficiencies in Mr. Dydzak's claims and again dismissed his Complaint, this
13 time *sua sponte*.

14 (Dkt. No. 19.)

15 Immediately following the dismissal of his claims, Mr. Dydzak pushed forward,
16 undeterred by yet another dismissal with prejudice. He filed numerous motions including, among
17 others, a motion for reconsideration (Dkt. No. 27), a motion to disqualify counsel for defendants,
18 (Dkt. No. 25), and expectedly, a motion to disqualify the undersigned. (Dkt. No. 23.) To
19 adjudicate the latter motion to disqualify, Ninth Circuit Chief Judge Kozinski designated Justin
20 L. Quackenbush, Senior U.S. District Judge for the Eastern District of Washington. Plaintiff then
21 challenged that designation in a motion for reconsideration directed to Chief Judge Kozinski.
22 (Dkt. No. 30.) In yet another thorough opinion disposing of Mr. Dydzak's attempt to disqualify
23 a judge who has dismissed his claims, Judge Quackenbush denied the motion to disqualify. (Dkt.
24 No. 33.) In doing so, Judge Quackenbush expressed concern that Mr. Dydzak may have sought
25 to delay or avoid an adverse decision by this Court given that the motion to disqualify was filed
26 shortly after this Court's order dismissing Plaintiff's claims. *Id.* at 10. Additionally, Judge
27 Quackenbush noted that "Plaintiff has requested the disqualification of a presiding judge at least
28 *eight* times under similar circumstances[.]" and explained that Plaintiff's actions appeared to
29 occur "as a matter of course" anytime he was faced with an adverse action. *Id.*

30 In addition to dismissing Plaintiff's claims with prejudice on March 2, 2012, this Court
31 ordered Mr. Dydzak to show cause as to why he should not be sanctioned for failure to comply

1 with Fed. R. Civ. P. 11(b). (Dkt. No. 16.) Thereafter, on March 7, 2012, this Court issued an
2 additional order in which Plaintiff was directed to show cause as to why he should not be
3 declared a vexatious litigant and barred from initiating future litigation related to his disbarment
4 without prior authorization. (Dkt. No. 19.)

5 Based on the record compiled from the above cases and the current matter, the Court
6 concludes that the record is adequate for review.

7 **C. Frivolous or Harassing Nature of Plaintiff's Actions**

8 Third, the district court is required to make findings as to the frivolous or harassing
9 nature of the litigant's actions. *See Molski*, 500 F.3d at 1059 (citing *De Long*, 912 F.2d at 1148).
10 In making this determination, the Court considers not just the number of filings, but the contents
11 thereof. *Id.* A pre-filing order cannot be based only upon a showing of litigiousness; rather, the
12 plaintiff's claims must be "patently without merit." *Id.* (quoting *Moy v. United States*, 906 F.2d
13 467, 470 (9th Cir. 1990)). In the instant case, the Court finds that there is sufficient basis to
14 conclude that Plaintiff's litigation relating to his 2008 disbarment has been abusive and frivolous.

15 As explained in this Court's prior orders to show cause and order dismissing Plaintiff's
16 complaint (Dkt. Nos. 16, 19), Mr. Dydzak has abused this Court's process by filing multiple
17 meritless lawsuits based on the same claims and consistently filing motions to disqualify any
18 judge who rules against him (as well as countless other judges with whom Plaintiff has had little
19 or no interaction). His claims have consistently lacked a credible factual foundation and, as
20 detailed in this Court's order of March 2, 2012, Plaintiff has displayed an utter disregard for the
21 applicable law and prior rulings of this Court and the Ninth Circuit. (*See* Dkt. No. 16.)

22 Specifically, Mr. Dydzak has initiated four lawsuits in federal court based on his
23 expanding visions of conspiracy regarding his 2008 disbarment. At each stage, Plaintiff's claims
24 have been dismissed; his second, third, and fourth complaints were dismissed *with prejudice*.
25 (*See Dydzak II*, Dkt. No. 9 (dismissing claims against federal judge defendants with prejudice
26 based on judicial immunity); *Dydzak II*, Dkt. No. 51 (dismissing remaining claims without leave

1 to amend on grounds of *Younger* abstention and the Eleventh Amendment); *Dydzak III*, Dkt. No.
2 16 (dismissing claims with prejudice based on collateral estoppel, judicial immunity, and the
3 Eleventh Amendment); Dkt. No. 16 (dismissing claims based on judicial immunity, *res judicata*,
4 and collateral estoppel); *see also Dydzak v. Remke et al.*, C10-0828-AGR (C.D. Cal. 2010)
5 (denying application to proceed *in forma pauperis* and rejecting complaint based on *res judicata*
6 and *Younger* abstention). Yet, Mr. Dydzak has taken each dismissal in stride, using it as an
7 excuse to file countless motions to disqualify and to bring a new case based on allegations of the
8 same ever-expanding conspiracy against the same and additional defendants.

9 Additionally, Plaintiff has unsuccessfully appealed the dismissals in each of his three
10 prior cases. The first two appeals were, respectively, barred as untimely (*Dydzak I*, Dkt. No.
11 107)¹, and summarily dismissed for failure to respond to the Court's order (*Dydzak II*, Dkt. Nos.
12 60, 62, 63, 64). The dismissal of Mr. Dydzak's third complaint was summarily affirmed by the
13 Ninth Circuit on the grounds of collateral estoppel, judicial immunity, and the Eleventh
14 Amendment. (*Dydzak III*, Dkt. No. 44.) Further, in denying Mr. Dydzak's application to proceed
15 *in forma pauperis* in his second appeal, the Ninth Circuit explained that "appellant has failed to
16 show that the appeal is not frivolous[.]" and in his third appeal, the Court again noted that "the
17 appeal is frivolous." (*Dydzak II*, Dkt. Nos. 60, 62; *Dydzak III*, Dkt. No. 40.) The Court thus
18 stresses that it is not merely the volume of filings in Mr. Dydzak's litigation history that leads the
19 Court to find that his claims are frivolous. Rather, it is the fact that Mr. Dydzak's claims are
20 recycled from case to case and legally meritless, as demonstrated by the repeated dismissals on
21 the same few grounds.

22 In his responses, Mr. Dydzak fails to persuade this Court that his filings in this case and
23 in prior cases were not, in fact, "patently without merit." In large part, Plaintiff uses his
24

25
26 ¹ Mr. Dydzak attempted to appeal the dismissal in *Dydzak I*, but the Ninth Circuit limited the scope of the appeal to
the motions to disqualify Judges Phillips, Rosenberg, and Morrow, because Plaintiff did not timely appeal the
dismissal. (*Dydzak I*, Dkt. No. 107.) The denials of those motions to disqualify were summarily affirmed. *Id.*

1 responses as an opportunity to continue making allegations regarding the same overarching
2 conspiracy that has been the subject of his series of lawsuits. Nothing in Plaintiff's responses
3 warrants a finding that there was a basis in fact or law for Plaintiff to continue bringing such
4 claims, especially in light of the prior dismissals. The Court also notes that Mr. Dydzak
5 mischaracterizes the procedural history of his litigation in the Central District of California. To
6 cite a few examples, he argues that in his second lawsuit, Judge Anderson discharged an order to
7 show cause, thereby "showing there was merit to the lawsuit." (Dkt. No. 32, at 9.) As noted
8 above, however, Judge Anderson dismissed the claims at issue (against the federal judge
9 defendants) *with prejudice* after Plaintiff, in response to the Court's order to show cause as to
10 why those claims should not be dismissed based on judicial immunity, voluntarily dismissed
11 those defendants. (*See Dydzak II*, Dkt. No. 9.) As another example, Plaintiff describes the appeal
12 of his third lawsuit by stating that "[t]he Ninth Circuit did not hear the matter, because
13 DYDZAK has learnt that it never grants appeals in pro se civil rights cases." (Dkt. No. 32, at 9-
14 10.) The Ninth Circuit, however, noted that the appeal was frivolous, issued an order to show
15 cause to which Mr. Dydzak responded, and summarily affirmed the district court on the grounds
16 of collateral estoppel, judicial immunity, and the Eleventh Amendment. (*See Dydzak III*, Dkt.
17 Nos. 40, 44.) Such mischaracterizations exemplify Mr. Dydzak's disregard for the prior rulings
18 of this Court and the Ninth Circuit as he blindly presses forward with his litigation efforts.

19 Having considered Mr. Dydzak's filings in each of his prior cases and in the instant
20 matter, the Court finds that Plaintiff is not just litigious. Rather, Plaintiff's repeated attempts to
21 bring the same or similar claims against the same or similar defendants, and his continued
22 motions to disqualify, as described above, lead this Court to find that Mr. Dydzak's conduct has
23 become abusive and that his claims are frivolous.

24 **D. Narrowly Tailored Order**

25 The final factor under *De Long* requires that the pre-filing order must be "narrowly
26 tailored to the vexatious litigant's wrongful behavior." *Molski*, 500 F.3d at 1061. In *Molski*, the

1 Ninth Circuit held that the pre-filing order at issue was narrowly tailored where, rather than
2 barring the vexatious litigant from filing *any* claims, it instead required the litigant to seek
3 authorization before filing the same types of claims that had been filed vexatiously. 500 F.3d at
4 106. In light of Mr. Dydzak's conduct, the Court finds that the imposition of a pre-filing bar,
5 subject to the conditions stated below, is appropriately limited to Plaintiff's wrongful behavior in
6 accordance with *Molski* and *De Long*.

7 **II. CONCLUSION**

8 For the foregoing reasons, it is hereby ORDERED that:

9 (1) Plaintiff is declared a vexatious litigant under C.D. Cal. Local Rule 83-8.2 and this

10 Court's inherent authority;

11 (2) Plaintiff is PROHIBITED from initiating any further litigation in this or any other

12 federal court alleging deprivation of rights under 42 U.S.C. § 1983 or *Bivens* based on

13 his disbarment without the prior authorization from the presiding judge of the U.S.

14 District Court for the Central District of California; and

15 (3) Plaintiff is REQUIRED to provide security in the amount of \$5,000 for each

16 defendant against whom he seeks to proceed with Court authorization in the future.

17 Should Mr. Dydzak wish to file a complaint, he must submit a copy of his proposed
18 complaint, a letter requesting that the complaint be filed, and a copy of this Order, to the Clerk of
19 this Court. The Clerk shall then forward the letter, the complaint, and a copy of this Order to the
20 presiding Judge for a determination whether the complaint should be accepted for filing.

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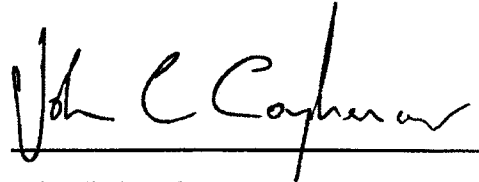
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1 DATED this 25th day of September 2012.

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8 John C. Coughenour
9 UNITED STATES DISTRICT JUDGE
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Fourth Appellate District, Division One

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

DANIEL DAVID DYDZAK

Plaintiff,

vs.

TANI CANTIL-SAKAUYE, JORGE
 NAVARRETE, THOMAS LAYTON, aka TOM
 LAYTON, CHARLES SCHWAB, DONALD F.
 MILES, JOHNNIE B. RAWLINSON, BARRY
 G. SILVERMAN, WILLIAM A. FLETCHER,
 PETER LIND SHAW, RONALD M. GEORGE
 ERIC M. GEORGE, ALAN I. ROTHENBERG,
 1ST CENTURY BANK, 1ST CENTURY
 BANCSHARES, INC., EDWARD EPHRAIM
 SCHIFFER, SIDNEY R. THOMAS, WILLIAM
 DATO, MAXINE M. CHESNEY, MOLLY C.
 DWYER, GEORGE H. KING, A. WALLACE
 TASHIMA, FERDINAND FRANCIS
 FERNANDEZ, KIM MCCLANE WARDLAW,
 WILLIAM C. CANBY, RONALD M. GOULD,
 RICHARD C. TALLMAN, and Does 1 through
 50, inclusive,

Defendants.

CASE NO.: 2:22-cv-01008-APG-VCF

DEFENDANT
ASSOCIATE
JUSTICE WILLIAM
DATO'S MOTION
TO DISMISS

COMES NOW Defendant, WILLIAM DATO, Associate Justice of the California Court of Appeal (Fourth Appellate District, Division One) ("Associate Justice Dato"), by and through his counsel of record, THOMAS D. DILLARD, JR., ESQ., of the law firm OLSON CANNON GORMLEY & STOBERSKI, pursuant to Nevada Rule of Civil Procedure 12(b)(1) and 12(b)(2)

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1 move to dismiss Plaintiff's Complaint for lack of subject matter jurisdiction and lack of personal
2 jurisdiction.¹

3 Alternatively, moving Defendants, pursuant to Nevada Rule of Civil Procedure 12(b)(5)
4 move to dismiss for failure to state a claim for relief.

5 This Motion is made and based upon all the pleadings and papers on file herein, the
6 attached points and authorities, together with any argument that may be introduced at the time of
7 hearing this matter before this Honorable Court.

8
9 Dated this 12th day of July, 2022.

10
11 OLSON CANNON GORMLEY & STOBERSKI

12
13
14 By:


THOMAS D. DILLARD, JR., ESQ.

Nevada Bar No. 6270
9950 W. Cheyenne Avenue
Las Vegas, Nevada 89129
Attorneys for Defendants

Tani G. Cantil-Sakauye, Chief Justice of California;
Jorge Navarrete, Clerk/Executive
Officer of the Supreme Court of California;
and William Dato, Associate Justice of the
California Court of Appeal, Fourth Appellate
District, Division One

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¹ Associate Justice Dato filed this Motion to Dismiss in the Eighth Judicial District Court on June 13, 2022 prior to the removal of this action. It is refiled here in this Court to have it on the docket and heard in its normal course.

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

A. Nature of the Case

Plaintiff is a disbarred California attorney who filed suit in the Eighth Judicial District Court of Nevada on February 3, 2022 simply because “one of the parties resides in Clark County.” (Complaint ¶ 5). Plaintiff (himself a California resident) has sued twenty-four Defendants in the case, many of which are current or former California state judicial officers or judges of federal district and appellate courts located in California. The Court has already dismissed claims against Chief Justice Tani Cantil-Sakauye of the California Supreme Court and Jorge Navarrete, Clerk/Executive Officer of the Supreme Court of California. (Notice of Entry of Order of Dismissal, attached as Exhibit “A”). Defendant Associate Justice Dato moves to dismiss the third and eighth cause of actions against him as all defenses raised by Chief Justice Cantil-Sakauye apply equally to him to warrant his dismissal with prejudice from this Complaint as well.

Plaintiff’s third cause of action names various Defendants (including Associate Justice William Dato of the California Court of Appeal, Fourth Appellate District, Division One²). Plaintiff claims that he had “improper, unethical and illegal ex parte, extra-judicial communications and contacts with the California Supreme Court Defendants on or about September 11, 2019 and on other [unspecified] occasions.” (Complaint ¶39). Plaintiff alleges these vague communications (failing to identify time, place or content of any such communications) somehow affected the outcome of the California Supreme Court Case No. S179850. Plaintiff seeks therein to collaterally attack the orders issued in California Supreme Court Case No. S179850 denying his requests to overturn his disbarment of 2010. (Register of Action, attached as Exhibit “B”).³

² <https://www.courts.ca.gov/35700.htm> (judicial bio of Associate Justice Dato)

³ https://appellatecases.courtinfo.ca.gov/search/case/dockets.cfm?dist=0&doc_id=1932723&doc_no=S179850&request_token=NiIwLSEmPkw8W1BJSCJNSEJJQEA0UDxfJCBOJz9TMCAgCg%3D%3D. The Register of Action shows the following:

In addition, in his eighth claim for relief, Plaintiff names Chief Justice Cantil-Sakauye and Justice Dato and again alleges unspecified civil rights violations. Plaintiff alleges that these two jurists had improper *ex parte* communications “to cause Plaintiff to be improperly put on the Vexatious Litigant List” for the State of California. (Complaint ¶ 66). Plaintiff alleges this communication took place approximately nine years ago on April 5, 2013. (Complaint ¶ 67). Plaintiff asserts they formed a conspiracy to commit extrinsic fraud on the court in a case that was pending in the Superior Court of California, County of Orange, and “illegally transferred to the San Diego Superior Court from Orange County Superior Court[.]” *Id.* Plaintiff further suggests that Chief Justice Cantil-Sakauye rewarded Justice Dato for the alleged fraudulent act through his subsequent promotion to the Court of Appeal. (Complaint ¶ 68). Plaintiff contends that this communication caused him to be placed on a Vexatious Litigant List inhibiting his

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- The California Supreme Court proceeding commenced on January 27, 2010.
 - Plaintiff filed a petition for writ of review on April 1, 2010.
 - On May 12, 2010, the California Supreme Court denied Plaintiff's petition for writ of review and ordered him disbarred from the practice of law in California.
 - On May 24, 2010, Plaintiff filed a petition for writ of certiorari with the U. S. Supreme Court.
 - On October 4, 2010, the U. S. Supreme Court denied Plaintiff's petition for writ of certiorari.
 - On January 11, 2012, Plaintiff filed a motion in the California Supreme Court to reopen his disciplinary case due to fraud upon the court and reverse and set aside the disbarment order.
 - On February 15, 2012, the California Supreme Court denied Plaintiff's motion to reopen his disciplinary case and set aside the disbarment order.
 - Six years later, on March 1, 2018, Plaintiff filed a second motion in the California Supreme Court to reopen his disciplinary case and set aside the disbarment order.
 - On May 9, 2018, the California Supreme Court denied Plaintiff's second motion to reopen his disciplinary case and set aside the disbarment order.
 - From May 14, 2018, and over the next year, Plaintiff filed several more motions to reopen his disciplinary case or for other relief, including a motion for an order to show cause, filed on April 22, 2019.
 - **On September 11, 2019, the California Supreme Court denied Plaintiff's motion for an order to show cause and stated "[t]his matter is now final. The court will no longer consider challenges to petitioner's disbarment."**

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ability to file cases in the State of California. (Complaint ¶ 67). Plaintiff seeks therein to also invalidate in an action filed in Nevada the judicial determination that he has filed frivolous claims and poses a substantial risk of doing so again.

Attached as Exhibit "C" is a vexatious litigant prefilng order entered on April 5, 2013, in *Dydzak v. Dunn* (Superior Court of California, County of San Diego, No. 30-2012-00558031). Also attached as Exhibit "C" is another earlier vexatious litigant prefilng order entered on September 25, 2012, in *Dydzak v. Cantil-Sakauye* (USDC, CD Cal., No. C11-5560-JCC), which prohibits Plaintiff from "initiating any further litigation in this or any other federal court alleging deprivation of rights under 42 U.S.C. § 1983 or Bivens based on his disbarment without the prior authorization from the presiding judge of the U.S. District Court for the Central District of California. . . ." The conclusion that immediately suggests itself is that Plaintiff filed this case in this state court in Nevada to avert the ramifications of his vexatious litigant status in California and attempt to hail the California Supreme Court Defendants into court in Nevada to try to collaterally attack his disbarment and appellate orders affirming his disbarment from the practice of law in California as well as the state and federal orders declaring him a vexatious litigator. As the Court has already concluded when dismissing the claims against Chief Justice Cantil-Sakauye and Clerk Navarette, the Eighth Judicial District Court of Nevada lacks both subject matter jurisdiction and personal jurisdiction to do so.

B. Jurisdictional Allegations

Plaintiff identifies himself as a person residing in the County of Los Angeles, California. (Complaint ¶ 2). Plaintiff sued the previously dismissed Defendants Tani Cantil-Sakauye and Jorge Navarrete as individuals residing in San Francisco, California. (Complaint ¶¶ 2-3). Plaintiff also named former California Chief Justice Ronald George and Associate Justice Dato based upon their involvement in California litigation. (Complaint at ¶¶ 11, 18). Plaintiff also brings suit against several other State Bar of California judges and investigators or State Bar attorney panel members, who all apparently have some connection with his disciplinary matter ultimately resolved in California Supreme Court Case No. S17980. (Complaint ¶¶ 4-6, 10, 12-13, 16). In addition, Plaintiff named as Defendants a total of ten (10) Article III judges from the U.S. Court

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of Appeals for the Ninth Circuit and the U.S. District Court, Northern District of California. He also sued the Ninth Circuit court clerk for her alleged involvement in California federal litigation pertaining to Plaintiff. (Complaint ¶¶ 7-9, 17, 19-25). The remaining two Defendants are a bank in the County of Los Angeles and a State of Delaware corporation. (Complaint ¶¶ 14-15). Plaintiff fails to make clear in the complaint why these companies are sued; however, there is nothing in the complaint indicating that any Defendant took any action in Nevada or did something directed to Nevada.

The only mention of Nevada throughout the entire Complaint is in paragraph 6 indicating that Ninth Circuit Judge Johnnie B. Rawlinson is an individual residing in the City of Las Vegas. (Complaint at ¶ 7). There are no allegations that she performed any judicial or non-judicial act in Nevada, however. It is apparent that Judge Rawlinson's only involvement in the case is as a Ninth Circuit judge assigned to one of Plaintiff's appeals arising from litigation in California and sitting as a judge as an appeals court based in San Francisco, California. The Complaint further alleges no joint action or connection regarding the allegations against Justice Dato as presiding over a matter before him in state court to hose of Judge Rawlinson for her involvement in a federal court matter.

II. STANDARDS OF REVIEW FOR A MOTION TO DISMISS

A. Standards for Lack of Subject Matter Jurisdiction and Personal Jurisdiction

Subject matter jurisdiction is a question of law that the court reviews de novo. *Ogawa v. Ogawa*, 125 Nev. 660, 667, 221 P.3d 699, 704 (2009). The Nevada Rules of Civil Procedure provide that the defense of lack of jurisdiction over the subject matter may, at the option of the defendant, be made by motion. *See* NRCP 12(b)(1). Nevada Rule of Civil Procedure 12(h)(3) provides that "[w]henver it appears by suggestion of the parties or otherwise that the court lacks jurisdiction of the subject matter, the court shall dismiss the action." The district court thus may properly dismiss a complaint when a lack of subject matter jurisdiction is apparent on the face of the complaint. *Rosequist v. Int'l Ass'n of Firefighters Local 1908*, 118 Nev. 444, 448, 49 P.3d 651, 653 (2002), *overruled on other grounds by*, *Allstate Ins. Co. v. Thorpe*, 123 Nev. 565, 573

n.22, 170 P.3d 989, 995 n.22 (2007). The question of subject matter jurisdiction “can be raised by the parties at any time ... and cannot be conferred by the parties.” *Landreth v. Malik*, 127 Nev. 175, 251 P. 3d 163, 166 (2011) (quoting *Swan v. Swan*, 106 Nev. 464, 469, 796 P.2d 221, 224 (1990)).

The plaintiff has the burden of proving subject matter jurisdiction. *See Morrison v. Beach City LLC*, 116 Nev. 34, 36, 991 P.2d 982, 983 (2000). If the movant challenges the existence of subject matter jurisdiction, the pleadings are treated as evidence on the issue. Indeed, in this type of 12(b)(1) motion, the requirement is not unlike that for summary judgment, where the non-moving party cannot rest on the allegations in the complaint, but must present evidence to defeat the motion. *Trentacosta v. Frontier Pacific Aircraft Indus., Inc.*, 813 F.2d 1553, 1558 (9th Cir.1987) (quoting *Charles A. Wright & Arthur R. Miller*, Federal Practice and Procedure § 1363 at 653-54 (1969)); *Nevada v. United States*, 221 F.Supp.2d 1241, 1248 (D. Nev. 2002).

In addition, to survive a motion to dismiss for lack of personal jurisdiction, the plaintiff must “make a prima facie showing of personal jurisdiction” by “[producing] some evidence in support of all facts necessary for a finding of personal jurisdiction.” *Trump v. Eighth Judicial Dist. Court*, 109 Nev. 687, 692, 857 P.2d 740, 743-44 (1993). However, when considering a motion to dismiss for lack of personal jurisdiction, the plaintiff is required to go beyond the pleadings and proffer some competent evidence supporting a finding of personal jurisdiction. *Id.* at 693, 857 P.2d at 744 (explaining that the plaintiff “may not simply rely on the allegations of the complaint to establish personal jurisdiction”).

B. Standard for Failure to State a Claim for Relief

When presented with a Nevada Rule of Civil Procedure 12(b)(5) motion to dismiss for failure to state a claim, the district court must view all factual allegations in the complaint as true, and draw all reasonable inferences in favor of the nonmoving party. *Kourafas v. Basic Food Flavors, Inc.*, 120 Nev. 195, 197, 88 P.3d 822, 823 (2004). Dismissal is appropriate only if it appears “beyond a reasonable doubt” that the plaintiff could prove no set of facts that would entitle her to relief. *Id.* Still, “[t]o survive dismissal, a complaint must still contain some ‘set of

facts, which, if true, would entitle [the plaintiff] to relief." *Buzz Stew, LLC v. City of N. Las Vegas*, 124 Nev. 224, 228, 181 P.3d 670, 672 (2008). Legal questions are reviewed de novo. *Id.*

Since absolute immunity protects the holder from suit and not merely liability, it should be decided as early as possible. *See Criss v. City of Kent*, 867 F.2d 259, 261 (6th Cir.1988); *see also Shmueli v. City of New York*, 424 F.3d 231 (2nd Cir. 2005) (Affirmative defense of absolute immunity should be decided at an early stage and can be raised in a Rule 12(b)(6) motion).

Indeed, several U.S. Supreme Court decisions recognize that claims of immunity present issues that are generally appropriately decided as early as possible, in order to "avoid excessive disruption of government." *Harlow v. Fitzgerald*, 457 U.S. 800, 818, 102 S. Ct. 2727 (1982).

Because the essence of immunity is its possessor's entitlement not to have to answer for his conduct in a civil damages action, that protection is effectively lost if a case is erroneously permitted to go to trial. *See Siegert v. Gilley*, 500 U.S. 226, 232, 111 S.Ct. 1789 (1991) ("One of the purposes of immunity, absolute or qualified, is to spare a defendant not only unwarranted liability, but unwarranted demands customarily imposed upon those defending a long drawn-out lawsuit."); *see also State of Nevada v. Second Judicial District Court*, 118 Nev. 609, 615, 55 P.3d 420, 423 (2002) ("Absolute immunity is a broad grant of immunity not just from the imposition of civil damages, but also from the burdens of litigation, generally.").

C. Judicial Notice of Court Documents

The district court may consider publicly recorded documents without converting a motion to dismiss to one for summary judgment. *Breliant v. Preferred Equities Corp.*, 109 Nev. 842, 847, 858 P.2d 1258, 1261 (1993) (stating that a court may consider matters of public record in ruling on a motion to dismiss). In deciding a motion to dismiss, the court is generally limited to only "allegations contained in the pleadings, exhibits attached to the complaint, and matters properly subject to judicial notice." *Swartz v. KPMG, LLP*, 476 F.3d 756, 763 (9th Cir. 2007). The court may thus take judicial notice of facts that are not subject to reasonable dispute as evidenced by public records outside of the Rule 56 context. *MGIC Indem. Corp. v. Weisman*, 803 F.2d 500, 504 (9th Cir.1986). This includes taking judicial notice of pleadings, memoranda, and

other court filings. *Reyn's Pasta Bella, LLC v. Visa USA, Inc.*, 442 F.3d 741, 746, n.6 (9th Cir. 2006).

III. LEGAL ARGUMENT IN SUPPORT OF DISMISSAL FOR LACK OF SUBJECT MATTER AND PERSONAL JURISDICTION

A. This Court Lacks Subject Matter Jurisdiction Over This Case Regarding the Review of Attorney Disciplinary Action and a Vexatious Litigant Order Imposed by California Courts.

This Honorable Court lacks subject matter jurisdiction over a case that makes a collateral attack on attorney discipline rendered by the State Bar of California against Plaintiff's attorney license in the State of California. State supreme courts are the ultimate arbiters of attorney behavior for members of the state bar that applies only to attorney discipline occurring in the forum state. Nevada courts lack subject matter jurisdiction seeking to impair or reverse attorney discipline imposed by another State.

While state supreme courts generally oversee an office of attorney regulation that handles the intake, investigation, and some adjudication of disciplinary complaints, each state supreme court is potentially the final decision maker regarding possible sanctions for attorney behavior. In Nevada, Supreme Court Rule 105(3)(b) provides subject matter jurisdiction for the Nevada Supreme Court to automatically review public discipline imposed by a Nevada State Bar hearing panel. To be sure, it provides no subject matter jurisdiction to review public discipline imposed by the State of California. Moreover, there is no enabling statute providing jurisdiction to a district court to review attorney discipline imposed by any state bar, including Nevada.

Further, in *Clark v. State of Washington*, 366 F.2d 678 (9th Cir. 1966), the Ninth Circuit held that a lower federal court has no subject matter jurisdiction to consider a collateral attack on a decision by the Washington Supreme Court to disbar an attorney. The United States Supreme Court subsequently approved that reasoning and result in *Dist. of Columbia Ct. of App. v. Feldman*, 460 U.S. 462, 482 n.16, 103 S. Ct. 1303 (1983) (“[O]rders of a state court relating to the admission, discipline, and disbarment of members of its bar may be reviewed only by the

1 Supreme Court of the United States on certiorari to the state court, and not by means of an
 2 original action in a lower federal court.’ ” (quoting *MacKay v. Nesbett*, 412 F.2d 846 (9th Cir.
 3 1969)).

4 The lack of jurisdiction for this Court to intervene in a case pertaining to another state
 5 tribunal’s review of attorney discipline under the guise of a § 1983 action is further illustrated by
 6 the fact that the federal courts would have had no subject matter jurisdiction to consider the case
 7 even though based on a federal statute. Under the Rooker-Feldman doctrine, lower federal courts
 8 are without jurisdiction to consider constitutional claims that are “inextricably intertwined” with
 9 questions pending before the state courts. See *Gulla v. North Strabane Township*, 146 F.3d 168
 10 (3rd Cir. 1998); *Plyler v. Moore*, 129 F.3d 728 (4th Cir. 1997). Under the Rooker-Feldman
 11 doctrine, the lower federal courts lack jurisdiction to review the application of attorney discipline
 12 and disbarment rules by a tribunal conducting a judicial or quasi-judicial hearing into the
 13 underlying misconduct. See *Patmon v. Michigan Supreme Court*, 224 F.3d 504 (6th Cir. 2000).

14 The same considerations exist here. The state district courts of Nevada do not have
 15 jurisdiction to review the decisions of the State Bar of California and the California Courts or to
 16 consider a collateral attack on prior decisions. See SCR 105(3)(b). By filing what amounts to
 17 nothing more than a collateral challenge to his disbarment and the numerous denials of his
 18 attempts to overturn, Plaintiff simply tries to make an end around of the results of federal and
 19 state courts located in California for which this court lacks subject matter jurisdiction. The
 20 complaint therefore is properly dismissed pursuant to Nevada Rule of Civil Procedure 12(b)(1)
 21 for lack of subject matter jurisdiction.

22 **B. Dismissal Is Warranted for Lack of Personal Jurisdiction over**
 23 **Defendants Associate Justice William Dato Pursuant to Rule 12(b)(2).**

24 Plaintiff cannot establish personal jurisdiction over Associate Justice Dato to litigate his
 25 claims in the Eighth Judicial District Court of Nevada. To survive the motion to dismiss for lack
 26 of personal jurisdiction, Plaintiff must “make a prima facie showing of personal jurisdiction” by
 27 “[producing] some evidence in support of all facts necessary for a finding of personal
 28 jurisdiction.” *Trump v. Eighth Judicial Dist. Court*, 109 Nev. 687, 692, 857 P.2d 740, 743-44

(1993). The courts analyze the issues of due process by considering whether personal jurisdiction is either “general or “specific”. *See Helicopteros Nacionales de Colombia, S.A. v. Hall*, 466 U.S. 408, 414-15, 420, 104 S. Ct. 1868 (1984).

Plaintiff has pled no facts in his complaint that would establish this court's personal jurisdiction—general or specific—over Associate Justice Dato, a California resident. Plaintiff does not allege that the injuries he sustained occurred in Nevada, that Associate Justice Dato were served with process in Nevada, or that this case or he has anything at all to do with Nevada. *See Nguyen v. Margines*, 2021 WL 5761766 *2 (D. Nev., Dec. 3, 2021) (dismissing the plaintiffs’ suit against California state-court judges seeking damages against them for judgments entered against the plaintiffs in other cases in California due to lack of personal jurisdiction). Therefore, the case should be dismissed against Associate Justice Dato for want of personal jurisdiction pursuant to Rule 12(b)(2) as well.

1. Associate Justice Dato is Not Subject to General Jurisdiction in the State of Nevada.

Since Associate Justice Dato has not had continuous and systematic contact in Nevada, this Court lacks general jurisdiction over him, just as it did for the Chief Justice of the California Supreme Court. General jurisdiction exists only where the defendant’s activities in the forum state are so substantial or continuous and systematic that it may be deemed present in the forum and hence subject to suit over claims unrelated to its activities here. *Helicopters*, 466 U.S. at 415-16, 104 S. Ct. 1868; *Trump*, 109 Nev. at 699, 857 P.2d at 748. This jurisdiction is permitted where a defendant is held to answer in a forum for causes of action unrelated to his forum activities due to the defendants’ pervasive contact with that forum in general. *See Trump*, 109 Nev. at 699, 857 P.2d at 748.

In this case, Plaintiff’s Complaint alleges that Associate Justice Dato, like the California Supreme Court Defendants, is a resident in the State of California and are domiciled in California. The conduct complained of regards his involvement in California litigation arising out of State Bar of California disciplinary action by definition occurred in California as well as a Vexatious Litigant order issued by a California state court. Indeed, a plain reading of Plaintiff’s

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Complaint fails to establish any contacts with the Nevada forum by any of Defendants whatsoever—including Associate Justice Dato. The entirety of the allegations pertain to attorney discipline taken against Plaintiff in the State of California, including his disbarment, and denial of Plaintiff's various complaints and petitions to overturn that discipline as well as a state order declaring Plaintiff a vexatious litigant.

Plaintiff simply brought suit in this forum because he has been declared a vexatious litigant in both state and federal courts in California. Plaintiff impermissibly seeks to avail himself of access to this court in Nevada because one of the many jurists that exercised jurisdiction over his case originating in California still has a home office in Nevada (i.e. the Honorable Judge Johnnie Rawlinson). The fact that Judge Rawlinson formerly was a District Court Judge in the U.S. District Court of Nevada before she was confirmed as an appellate judge of the U.S. Court of Appeals for the Ninth Circuit (based in San Francisco, CA) and may still have an office and/or a residence in Las Vegas clearly does not establish personal jurisdiction for anyone, particularly these moving Defendants. The Complaint is further devoid of any allegations drawing a connection between the judicial conduct of associate Justice Dato in a state court action and that of Judge Rawlinson in a federal appellate case. In short, Plaintiff has alleged no set of facts to establish this Court has general jurisdiction over Associate Justice Dato and dismissal is thereby warranted pursuant to Rule 12(b)(2).

2. All Acts Underlying Plaintiff's Allegations Occurred in California, Thus the Court Lacks Specific Jurisdiction over Associate Justice Dato as Well.

Associate Justice Dato is not subject to specific jurisdiction either because he simply had no contacts at all with the State of Nevada. The Due Process Clause forbids haling a defendant into court that does not have certain minimum contacts with the forum state such that jurisdiction does not offend traditional notions of fair play and substantial justice. *See International Shoe Co. v. State of Washington*, 326 U.S. 310, 316 (1945) (quotation omitted); *Fulbright & Jaworski LLP v. Eighth Judicial Dist. Court*, 131 Nev. 30, 36, 342 P.3d 997, 1001 (2015). The Complaint is devoid of any allegation suggesting Associate Justice Dato, like the California Supreme Court

Defendants, had any contacts at all with Nevada; therefore, the failure of jurisdiction warrants dismissal of this case in the Eighth District Court of Nevada against him and all California judicial officers.

Under Nevada law, Nevada courts have jurisdiction “over a party to a civil action on any basis not inconsistent with the constitution of this state or the Constitution of the United States.” NRS 14.065(1); *see also Judas Priest v. District Court*, 104 Nev. 424, 426, 760 P.2d 137, 138 (1988); *Trump*, 109 Nev. at 692, 857 P.2d at 744. In other words, Nevada’s long arm statute is coextensive with federal due process requirements. Under the United States Constitution, due process requires certain minimum contacts between Defendants and Nevada such that “the maintenance of the suit does not offend ‘traditional notions of fair play and substantial justice.’” *International Shoe*, 326 U.S. at 316 (quotation omitted). The defendant’s contacts with the forum state must be such that the defendant “should reasonably anticipate being haled into court there.” *World-Wide Volkswagen Corp. v. Woodson*, 444 U.S. 286, 297, 100 S. Ct. 559 (1980)). To show specific jurisdiction, which is at issue here, Plaintiff must demonstrate facts showing that the defendants purposefully availed themselves of the privilege of acting in Nevada or caused important consequences here, that the cause of action arises from the defendant’s activities in Nevada, and that those activities, or the consequences thereof, have such a substantial connection with Nevada as to make the exercise of jurisdiction over the defendant reasonable. *Consipio Holding, BV v. Carlberg*, 128 Nev. 454, 458-59, 282 P.3d 751, 755 (2012).

Given this standard and in the absence of general jurisdiction, specific jurisdiction will lie—and not transgress the Due Process Clause—when the plaintiff satisfies a three-part test.

- (1) The nonresident defendant must purposefully direct his activities or consummate some transaction with the forum or resident thereof; or perform some act by which he purposefully avails himself of the privilege of conducting activities in the forum, thereby invoking the benefits and protections of its laws;
- (2) the claim must be one which rises out of or relates to the defendant’s forum-related activities; and
- (3) the exercise must comport with fair play and substantial justice; i.e., it must be reasonable.

1 *Rutsky & Co. Ins. Services, Inc. v. American Special Risk Ins. Services*, 328 F.3d 1122, 1129 (9th
2 Cir. 2003). Once challenged, the plaintiff bears the burden of establishing personal jurisdiction as
3 to all elements. See *Huffy Corporation v Overlord Industries, et al.*, 246 F. Supp. 2d 1093, 1096
4 (D. Nev. 2003) (citing *Butcher's Union Local No. 498 v. SDC, Inv., Inc.*, 788 F.2d 535, 538 (9th
5 Cir. 1986)) (subsequent citation omitted).

6 As for the first prong, in order to establish this court has specific jurisdiction over moving
7 Defendants, Plaintiff must “aver facts [which] show the Defendants ‘purposefully directed [their]
8 activities toward Nevada, that the claims ‘arise out of or related to Defendants’ forum-related
9 activities,’ and that ‘exercise [of jurisdiction] comports with fair play and substantial justice.’”
10 *Huffy Corporation*, 246 F. Supp. 2d at 1099 (quotation omitted). Turning again to the face of the
11 Complaint, nowhere does Plaintiff allege, or even remotely indicate, that Associate Justice Dato
12 “purposefully directed” any activity toward Nevada. The Complaint itself makes clear that this
13 action involves Plaintiff’s attempts to obtain judicial review and reversal of his disbarment from
14 practicing law in California and the vexatious litigant pre-filing orders entered against him in
15 state and federal courts in California. Indeed, neither the California Supreme Court Defendants
16 nor any of the other California jurists including Associate Justice Dato had any jurisdiction or
17 ability to perform any legal act in the State of Nevada.

18 Second, there is nothing to suggest Plaintiff’s claims arise out of the activities of any
19 Defendant in Nevada. To the contrary, the activities which give rise to Plaintiff’s claims
20 exclusively occurred in California. Other than identifying Judge Rawlinson’s alleged personal
21 residence or home State, Nevada is never mentioned in the Complaint whatsoever. Even if Judge
22 Rawlinson’s involvement in federal cases pending in the Ninth Circuit somehow implicate
23 Nevada, which they do not, there is still absolutely no Nevada connection to the California
24 Supreme Court Defendants or Associate Justice Dato. Plaintiff, to be sure, does not attribute any
25 conduct by moving Defendant directed toward Nevada; consequently, the second specific
26 jurisdiction element is lacking as well.

27 The foregoing analysis is dispositive on the third element. Since Associate Justice Dato
28 did not purposefully avail himself of Nevada and there are no forum-related activities alleged,

jurisdiction is *a fortiori* unreasonable. Plaintiff has failed to supply the Court with facts, that if true, would establish specific jurisdiction. Plaintiff, having a perfect knowledge of all these facts, still seeks to force California judicial officers (including the movant) to defend against his far-flung and specious claims in a state court in Nevada and thus far removed from anything at issue here. Plaintiff is simply trying to burden and harass Associate Justice Dato due to his displeasure due to his disbarment and his protracted efforts to try to reverse that decision, including taking frivolous positions resulting in a finding that he is a vexatious litigant. Plaintiff, however, has abjectly failed to meet his burden with respect to any of the three requirements for the exercise of specific jurisdiction. Consequently, this litigation here should proceed no further here. Nevada Rule of Civil Procedure 12(b)(2) mandates dismissal.

IV. IN THE ALTERNATIVE, LEGAL ARGUMENTS IN SUPPORT OF DISMISSAL FOR FAILURE TO STATE A CLAIM FOR RELIEF

Associate Justice William Dato is Absolutely Immune from all of Plaintiff's Claims for Relief.

Plaintiff failed to state a viable claim against Associate Justice Dato because he possesses absolute immunity for all judicial acts that are not clearly outside of his jurisdiction. It is a matter of well established law that judges are generally immune from suits against them in their individual capacity. *See Pierson v. Ray*, 386 U.S. 547, 87 S.Ct. 1213 (1967) (applying judicial immunity to § 1983 actions); *Mireles v. Waco*, 502 U.S. 9, 9-10, 112 S.Ct. 286 (1991). This absolute immunity is necessary due to the special nature of the judiciary's responsibilities. *See Butz v. Economou*, 438 U.S. 478, 511, 98 S.Ct. 2894 (1978).

"Although unfairness and injustice to a litigant may result on occasion, 'it is a general principle of the highest importance to the proper administration of justice that a judicial officer, in exercising authority vested in him, shall be free to act upon his own convictions, without apprehension of personal consequences to himself.'" *Mireles*, 502 U.S. at 9. It is also important to note that "[j]udicial immunity is an immunity from suit, not just from the ultimate assessment of damages." *Mireles*, 502 U.S. at 11. In other words, the Court should make this determination as early as possible in the litigation so that the judge may avoid being burdened with the

1 impositions of discovery and trial. *See Saucier v. Katz*, 533 U.S. 191, 200-01, 121 S.Ct. 2151
 2 (2001). Absolute judicial immunity applies not only to suits for damages, but also "to actions for
 3 declaratory, injunctive and other equitable relief." *Mullis v. U.S. Bankruptcy Court for the*
 4 *District of Nevada*, 828 F.2d 1385, 1394 (9th Cir. 1987).

5 Given these important public policy considerations, judges possess a "sweeping form of
 6 immunity" for all acts performed that relate to the "judicial process." *Forrester v. White*, 484
 7 U.S. 219, 225, 108 S.Ct. 538 (1988); *Imbler v. Pachtman*, 424 U.S. 409, 423 n.20, 96 S.Ct. 984
 8 (1976). Irrespective of the judge's subjective intent, immunity insulates the judge's actions
 9 except where done in the clear absence of jurisdiction. *See Stump v. Stackman*, 435 U.S. 349,
 10 359, 98 S.Ct. 1099 (1978). Put differently, this absolute immunity insulates judges from charges
 11 or erroneous acts or irregular action, even when it is alleged that such action was driven by
 12 malice, bad faith or corruption. *Forrester*, 484 U.S. at 227-28; *see also Mireles*, 502 U.S. at 11.
 13 Furthermore, the absolute immunity is not pierced by allegations of judicial authority "flawed by
 14 the commission of grave procedural errors." *Stump*, 435 U.S. at 359. In sum, "the judge is
 15 absolutely immune for all judicial acts not performed in the clear absence of all jurisdiction,
 16 however erroneous the act and however evil the motive." *Mitchell v. McBryde*, 944 F.2d 229,
 17 230 (5th Cir. 1991). Allegations of conduct in excess of jurisdiction are thus insufficient, a judge
 18 will only forfeit his immunity when he acts in "clear absence of all jurisdiction." *Mullis*, 828 F.2d
 19 at 1389. The fact that a judge acts informally, outside the courtroom and without observance of
 20 procedural requirements, or engages in *ex parte* communications, does not strip a judge of
 21 absolute immunity. *Stump*, 435 at 361-63, 98 S.Ct. at 1107-08; *see also Forrester*, 108 S.Ct. at
 22 544. Nor is judicial immunity lost as a result of improper favor or disfavor to a party. *Moore v.*
 23 *Brewster*, 96 F.3d 1240, 1244 (9th Cir.1996).

24 In the instant case, Plaintiff has alleged that Chief Justice Cantil-Sakauye and Associate
 25 Justice Dato in his third cause of action "had improper, unethical and illegal ex parte, extra-
 26 judicial communications and contacts". (Complaint ¶ 39). Plaintiff alleges in his eighth cause of
 27 action beginning in April of 2013 had "improper ex parte and extrajudicial communications with
 28 Defendant [Associate Justice] Dato to cause Plaintiff to be improperly put on a Vexatious

1 Litigant List.” (Complaint ¶ 67). Plaintiff’s claims thus clearly pertains to a matter before
 2 Associate Justice Dato and his issuance of a judicial order.

3 First, the act of making decisions following motion practice of a litigant (including
 4 finding that a party subject to jurisdiction of the court is a vexatious litigant) before the court is
 5 clearly a judicial act. Allegations that there were ex parte communications or that the judicial
 6 decisions were the result of bad faith or a conspiracy do not pierce judicial immunity. Second,
 7 Chief Justice Cantil-Sakauye’s and Associate Justice Dato’s decisions at issue had to occur while
 8 they were inside the courtroom or inside chambers in preparing and finalizing judicial orders.
 9 Third, the actions Plaintiff alleges as constitutional transgressions by Chief Justice Cantil-
 10 Sakauye and Associate Justice Dato center around Plaintiff’s case before them in review of the
 11 State Bar of California’s disciplinary action and in entering an order that Plaintiff is wont to file
 12 frivolous cases. This is plainly a case where immunity attaches to Associate Justice Dato, just as
 13 it did to the Supreme Court Justice of the Supreme Court of California. (Exhibit “A”).

14 In sum, Plaintiff is simply bringing suit against Associate Justice Dato based on his
 15 dissatisfaction in the manner he handled a pending case before him. The allegations against the
 16 judge all question his judgment in the judicial process and do not even remotely suggest that he
 17 acted in the clear absence of jurisdiction. Accordingly, the well established doctrine of absolute
 18 judicial immunity renders all Section 1983 claims defective regardless of the relief requested and
 19 dismissal is warranted pursuant to Rule 12(b)(5) for failure to state a viable claim for relief.

20 **V. CONCLUSION**

21 IN ACCORDANCE WITH THE FOREGOING, Defendant Associate Justice William
 22 Dato moves to dismiss this action against him due to lack of subject matter jurisdiction and lack
 23 of personal jurisdiction pursuant to Rules 12(b)(1) and (b)(2). In the alternative, Plaintiff has also
 24 failed to state a valid claim for relief as he has not and cannot pierce Associate Justice Dato’s
 25 absolute immunity. Dismissal is warranted on this independent basis pursuant to Rule 12(b)(5).

26 ///

27 ///

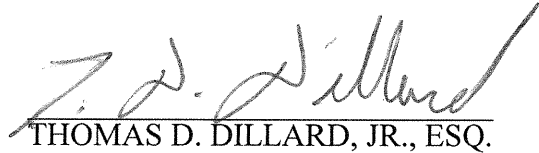
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1 Indeed, the Court's order noticed and entered on June 8, 2022 makes clear that moving
2 Defendant is entitled to dismissal on all respects as the issues previously addressed and those
3 pertinent to the specious claims against Associate Justice Dato are virtually identical.

4
5 Respectfully Submitted this 12th day of July, 2022.

6
7 OLSON CANNON GORMLEY & STOBERSKI

8
9 By:



10 THOMAS D. DILLARD, JR., ESQ.

11 Nevada Bar No. 6270

12 9950 W. Cheyenne Avenue

13 Las Vegas, Nevada 89129

14 *Attorneys for Defendants*

15 *Tani G. Cantil-Sakauye, Chief Justice of California;*

16 *Jorge Navarrete, Clerk/Executive*

17 *Officer of the Supreme Court of California;*

18 *and William Dato, Associate Justice of the*
19 *California Court of Appeal, Fourth Appellate*
20 *District, Division One*

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CERTIFICATE OF SERVICE

I hereby certify that I am employed in the law offices of OLSON CANNON GORMLEY & STOBERSKI, and that on the 12th day of July, 2022, I served a copy of the foregoing **DEFENDANT ASSOCIATE JUSTICE WILLIAM DATO'S MOTION TO DISMISS**, in the following manner:

Through the CM/ECF system of the United States District Court for the District of Nevada, (or, if necessary, by U.S. Mail, first class, postage pre-paid, and/or via email): upon the following:

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/s/ Jessica Kaufman

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EXHIBIT “A”

Notice of Entry of Order (June 8, 2022)

Electronically Filed
6/8/2022 10:19 AM
Steven D. Grierson
CLERK OF THE COURT



1 THOMAS D. DILLARD, JR., ESQ.
Nevada Bar No. 006270
2 **OLSON CANNON GORMLEY & STOBERSKI**
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3 Las Vegas, Nevada 89129
Telephone: (702) 384-4012
4 Facsimile: (702) 383-0701
Attorneys for Defendants
5 *Tani G. Cantil-Sakauye, Chief Justice of California;*
Jorge Navarrete, Clerk/Executive Officer of
6 *the Supreme Court of California; and Justice William Dato*

7
8 **DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

10 * * * * *

11 DANIEL DAVID DYDZAK

12 Plaintiff,

13 vs.

CASE NO.: A-22-847734-C

DEPT. NO.: 27

14 TANI CANTIL-SAKAUYE, JORGE
15 NAVARRETE, THOMAS LAYTON, aka TOM
16 LAYTON, CHARLES SCHWAB, DONALD F.
MILES, JOHNNIE B. RAWLINSON, BARRY
17 G. SILVERMAN, WILLIAM A. FLETCHER,
PETER LIND SHAW, RONALD M. GEORGE
18 ERIC M. GEORGE, ALAN I. ROTHENBERG,
1ST CENTURY BANK, 1ST CENTURY
19 BANCSHARES, INC., EDWARD EPHRAIM
SCHIFFER, SIDNEY R. THOMAS, WILLIAM
20 DATO, MAXINE M. CHESNEY, MOLLY C.
DWYER, GEORGE H. KING, A. WALLACE
21 TASHIMA, FERDINAND FRANCIS
FERNANDEZ, KIM MCCLANE WARDLAW,
22 WILLIAM C. CANBY, RONALD M. GOULD,
RICHARD C. TALLMAN, and Does 1 through
23 50, inclusive,

24 Defendants.

25
26 **NOTICE OF ENTRY OF ORDER GRANTING DEFENDANTS' MOTION TO DISMISS**

27 PLEASE TAKE NOTICE that an ORDER GRANTING DEFENDANTS'

28 ///

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1 MOTION TO DISMISS was entered in the above-entitled matter on the 3rd day of June, 2022; a
2 copy of which is attached hereto.

3 Dated this 8 day of June, 2022.

4
5 OLSON CANNON GORMLEY & STOBERSKI

6
7 By:


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Jorge Navarrete, Clerk/Executive Officer of

the Supreme Court of California; and

Justice William Dato

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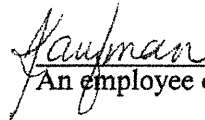
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CERTIFICATE OF SERVICE

I hereby certify that I am employed in the law offices of OLSON CANNON GORMLEY & STOBERSKI, and that on the 8th day of June, 2022, I served a copy of the foregoing **NOTICE OF ENTRY OF ORDER GRANTING DEFENDANTS' MOTION TO DISMISS**, in the following manner:

(ELECTRONIC SERVICE) Pursuant to Administrative Order 14-2, the above-referenced document was electronically filed on the date hereof and served through the Notice of Electronic Filing automatically generated by the Court's facilities to those parties listed on the Court's Master Service List, (or, if necessary, by U.S. Mail, first class, postage pre-paid, or via email), upon the following:

Daniel David Dydzak
4265 Marina City Drive,
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Marina del Rey, CA 90292
Plaintiff Pro Se



An employee of OLSON CANNON GORMLEY & STOBERSKI

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ELECTRONICALLY SERVED
6/3/2022 11:38 AM

Electronically Filed
06/03/2022 11:38 AM

Heidi Shuman
CLERK OF THE COURT

ORDR

THOMAS D. DILLARD, JR., ESQ.
Nevada Bar No. 006270

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Attorneys for Defendants

*Tani G. Cantil-Sakaue, Chief Justice of California;
and Jorge Navarrete, Clerk/Executive Officer of
the Supreme Court of California*

DISTRICT COURT

CLARK COUNTY, NEVADA

* * * * *

DANIEL DAVID DYDZAK

Plaintiff,

vs.

CASE NO.: A-22-847734-C

DEPT. NO.: 27

TANI CANTIL-SAKAUYE, JORGE
NAVARRETE, THOMAS LAYTON, aka TOM
LAYTON, CHARLES SCHWAB, DONALD F.
MILES, JOHNNIE B. RAWLINSON, BARRY
G. SILVERMAN, WILLIAM A. FLETCHER,
PETER LIND SHAW, RONALD M. GEORGE
ERIC M. GEORGE, ALAN I. ROTHENBERG,
1ST CENTURY BANK, 1ST CENTURY
BANCSHARES, INC., EDWARD EPHRAIM
SCHIFFER, SIDNEY R. THOMAS, WILLIAM
DATO, MAXINE M. CHESNEY, MOLLY C.
DWYER, GEORGE H. KING, A. WALLACE
TASHIMA, FERDINAND FRANCIS
FERNANDEZ, KIM MCCLANE WARDLAW,
WILLIAM C. CANBY, RONALD M. GOULD,
RICHARD C. TALLMAN, and Does 1 through
50, inclusive,

Defendants.

**ORDER GRANTING
DEFENDANTS'
MOTION TO
DISMISS**

The Court, having considered all papers and pleadings with a hearing scheduled for May 11, 2022 and continued and heard on May 18, 2022, hereby grants Defendants Chief Justice Tani G. Cantil-Sakaue's and Clerk Jorge Navarrete's, Clerk/Executive Officer of the Supreme Court of California, (hereinafter "California Supreme Court Defendants") motion to dismiss Plaintiff's

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1 Complaint for lack of subject matter jurisdiction, lack of personal jurisdiction and for failure to
2 state a claim for relief.

3 PROCEDURAL HISTORY

4 1. The California Supreme Court Defendants filed their Motion to Dismiss the
5 Complaint on April 6, 2022 pursuant to Nevada Rules of Civil Procedure 12(b)(1) and 12(b)(2)
6 and, alternatively, pursuant to Nevada Rule of Civil Procedure 12(b)(5).

7 2. Plaintiff Daniel David Dydzak ("Plaintiff") filed his Opposition to the California
8 Supreme Court Defendants' Motion to Dismiss on April 18, 2022.

9 3. The California Supreme Court Defendants filed their Reply to Plaintiff's
10 Opposition to Dismiss on May 3, 2022.

11 4. The Court issued a Notice of Hearing on April 7, 2022 for the motion to be heard
12 on May 11, 2022.

13 5. During the hearing on May 11, 2022, this matter was trailed to the end of the
14 calendar, however, electronic interference prevented the hearing from going forward. The Court
15 Recorder asked the parties if they had two sources of audio connected on-line due to the audio
16 issues. The Court could not hear the parties without a severe echo. Accordingly, the Court
17 ordered the matter continued for one-week and the continuance was noted in the Minutes.

18 6. The May 11, 2022 minutes further reflected that on May 18, 2022 at 9:00 a.m. the
19 Court will hear the California Supreme Court Defendants' Motion to Dismiss the Complaint.

20 7. During the subsequent Hearing on May 18, 2022, counsel for the California
21 Supreme Court Defendants personally appeared and the Court called for and obtained no
22 response from Plaintiff.

23 8. The Court then heard oral argument on the motion to dismiss pursuant to Nevada
24 Rules of Civil Procedure 12(b)(1), 12(b)(2) and 12(b)(5).

25 FINDINGS OF FACT

26 1. Plaintiff is a disbarred California attorney who filed suit in the Eighth Judicial
27 District Court of Nevada on February 3, 2022 because "one of the parties resides in Clark
28

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County.” (Complaint ¶ 5). Plaintiff identifies this party as Judge Johnnie B. Rawlinson of the U.S. Court of Appeals for the Ninth Circuit.

2. Plaintiff is a California resident and has included twenty-four Defendants in the case caption, many of which are current or former California state judicial officers or judges of federal district and appellate courts located in California.

3. Defendant Tani G. Cantil-Sakauye was at all relevant times serving as the Chief Justice of the Supreme Court of California.

4. Defendant Jorge Navarrete was at all relevant times serving as the Clerk/Executive Officer of the Supreme Court of California.

5. Plaintiff sued Defendant Tani Cantil-Sakauye and Jorge Navarrete as individuals residing in San Francisco, California. (Complaint ¶¶ 2-3). Plaintiff also named former California Chief Justice Ronald George and Associate Justice William Dato of the Fourth Appellate Division of California based upon their involvement in California litigation. (Complaint at ¶¶ 11, 18). Plaintiff also brings suit against several other State of California state bar judges and investigators or State Bar attorney panel members, who all allegedly have some connection with his disciplinary matter ultimately resolved in California Supreme Court Case No. S17980. (Complaint ¶¶ 4-6, 10, 12-13, 16). In addition, Plaintiff named as Defendants a total of ten (10) Article III judges from the U.S. Court of Appeals for the Ninth Circuit and the U.S. Northern District of California. He also sued the Ninth Circuit court clerk for his alleged involvement in California federal litigation pertaining to Plaintiff. (Complaint ¶¶ 7-9, 17, 19-25).

6. Plaintiff’s claims arise out of his subsequent court challenges to orders issued in California Supreme Court Case No. S179850 denying his requests to overturn his disbarment of 2010.

7. Per the registry of action attached as an exhibit to the motion to dismiss, the Court takes judicial notice of certain facts pertaining to the protracted procedural history of Plaintiff’s

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various attempt to challenge and reverse his disbarment.¹ The registry of action establishes the following:

- a. The California Supreme Court proceeding commenced on January 27, 2010;
- b. Plaintiff filed a petition for writ of review on April 1, 2010;
- c. On May 12, 2010, the California Supreme Court denied Plaintiff's petition for writ of review and ordered him disbarred from the practice of law in California;
- d. On May 24, 2010, Plaintiff filed a petition for writ of certiorari with the U. S. Supreme Court;
- e. On October 4, 2010, the U. S. Supreme Court denied Plaintiff's petition for writ of certiorari;
- f. On January 11, 2012, Plaintiff filed a motion in the California Supreme Court to reopen his disciplinary case due to fraud upon the court and reverse and set aside the disbarment order;
- g. On February 15, 2012, the California Supreme Court denied Plaintiff's motion to reopen his disciplinary case and set aside the disbarment order;
- h. Six years later, on March 1, 2018, Plaintiff filed a second motion in the California Supreme Court to reopen his disciplinary case and set aside the disbarment order;
- i. On May 9, 2018, the California Supreme Court denied Plaintiff's second motion to reopen his disciplinary case and set aside the disbarment order;
- j. From May 14, 2018, and over the next year, Plaintiff filed several more motions to reopen his disciplinary case or for other relief, including a motion for an order to show cause, filed on April 22, 2019; and

¹ The district court may consider publicly recorded documents without converting a motion to dismiss to one for summary judgment. *Brelant v. Preferred Equities Corp.*, 109 Nev. 842, 847, 858 P.2d 1258, 1261 (1993) (stating that a court may consider matters of public record in ruling on a motion to dismiss). This includes taking judicial notice of pleadings, memoranda, and other court filings. *Reyn's Pasta Bella, LLC v. Visa USA, Inc.*, 442 F.3d 741, 746, n.6 (9th Cir. 2006).

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1 k. On September 11, 2019, the California Supreme Court denied Plaintiff's motion
 2 for an order to show cause and stated "[t]his matter is now final. The court will
 3 no longer consider challenges to petitioner's disbarment."

4 8. Plaintiff alleges in his first case of action, pursuant to 42 U.S.C. § 1983, that
 5 Defendant Chief Justice Tani Cantil-Sakauye issued an illegal order on September 11, 2021 in
 6 Case No. S179850 as part of an alleged conspiracy with Defendant Jorge Navarrete who
 7 allegedly did not accept further filings by Plaintiff in the case after that order was entered.

8 9. Plaintiff's third cause of action names various Defendants who had not made an
 9 appearance in the case (including former California Supreme Court Justice Ronald M. George
 10 and Associate Justice William Dato of the California Court of Appeal, Fourth Appellate District,
 11 Division One). Plaintiff claims that they had "improper, unethical and illegal ex parte, extra-
 12 judicial communications and contacts" with the California Supreme Court Defendants on or
 13 about September 11, 2019. (Complaint ¶39).

14 10. In his eighth claim for relief, Plaintiff names Chief Justice Cantil-Sakauye and
 15 Associate Justice Dato and again alleges unspecified civil rights violations. Plaintiff alleges that
 16 these two jurists had improper *ex parte* communications "to cause Plaintiff to be improperly put
 17 on the Vexatious Litigant List" for the State of California. (Complaint ¶ 66). Plaintiff alleges this
 18 communication took place approximately nine years ago on April 5, 2013. (Complaint ¶ 67).
 19 Plaintiff asserts they formed a conspiracy regarding a pending in the San Diego Superior Court,
 20 and it was "illegally transferred" to the Orange County Superior Court." *Id.* Plaintiff further
 21 suggests that Chief Justice Cantil-Sakauye rewarded Associate Justice Dato for the alleged
 22 fraudulent act by promoting him to the San Diego Court of Appeal. (Complaint ¶ 68).

23 11. The Court further takes notice based upon exhibits attached to the motion to
 24 dismiss that Plaintiff has been judicially declared a vexatious litigant on two occasions. The
 25 Court takes judicial notice of the public documents attached as Exhibit "B" to the motion
 26 indicating Plaintiff is a vexatious litigant pursuant to an order entered on April 5, 2013, in
 27 *Dydzak v. Dunn* (Superior Court of California, County of San Diego, No. 30-2012-00558031).
 28 The Court further takes judicial notice of the public documents attached as Exhibit "C" which is

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1 a vexatious litigant order entered on September 25, 2012, in *Dydzak v. Cantil-Sakauye* (USDC,
 2 CD Cal., No. C11-5560-JCC). This order prohibits Plaintiff from "initiating any further litigation
 3 in this or any other federal court alleging deprivation of rights under 42 U.S.C. § 1983 or *Bivens*
 4 based on his disbarment without the prior authorization from the presiding judge of the U.S.
 5 District Court for the Central District of California."

6 12. Plaintiff's claims for relief all seek to impair, invalidate or reverse his disbarment
 7 from the practice of law in California.

8 13. Plaintiff's claims are based entirely on the Supreme Court of California
 9 Defendants' involvement in California litigation arising out of State Bar of California
 10 disciplinary action. A plain reading of Plaintiff's Complaint fails to establish any contacts with
 11 the Nevada forum by any of Defendants whatsoever. The entirety of the allegations pertain to
 12 attorney discipline taken against Plaintiff in the State of California, including his disbarment, and
 13 denial of Plaintiff's various complaints and petitions to overturn that discipline.

14 14. Plaintiff's Complaint includes no allegation against Chief Justice Cantil-Sakauye
 15 that she acted in clear excess of her jurisdiction.

16 15. Plaintiff's Complaint includes no allegations that Jorge Navarrete took any action
 17 that was not closely related to his clerk duties as part of the judicial process.

18 CONCLUSIONS OF LAW

19 I. The Court Lacks Subject Matter Jurisdiction

20 1. The plaintiff has the burden of proving subject matter jurisdiction. *See Morrison*
 21 *v. Beach City LLC*, 116 Nev. 34, 36, 991 P.2d 982, 983 (2000). If the movant challenges the
 22 existence of subject matter jurisdiction, the pleadings are treated as evidence on the issue. Indeed,
 23 in this type of 12(b)(1) motion, the requirement is not unlike that for summary judgment, where
 24 the non-moving party cannot rest on the allegations in the complaint but must present evidence to
 25 defeat the motion. *Trentacosta v. Frontier Pacific Aircraft Indus., Inc.*, 813 F.2d 1553, 1558 (9th
 26 Cir. 1987) (quoting Charles A. Wright & Arthur R. Miller, *Federal Practice and Procedure* §
 27 1363 at 653-54 (1969)); *Nevada v. United States*, 221 F.Supp.2d 1241, 1248 (D. Nev. 2002). The
 28 question of subject matter jurisdiction "can be raised by the parties at any time ... and cannot be

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1 conferred by the parties." *Landreth v. Malik*, 127 Nev. 175, 251 P. 3d 163, 166 (2011) (quoting
 2 *Swan v. Swan*, 106 Nev. 464, 469, 796 P.2d 221, 224 (1990)).

3 2. State supreme courts are the ultimate arbiters of attorney behavior for members of
 4 the state bar that applies only to attorney discipline occurring in the forum state. Nevada courts
 5 lack subject matter jurisdiction seeking to impair or reverse attorney discipline imposed by
 6 another State. In Nevada, Supreme Court Rule 105(3)(b) provides subject matter jurisdiction for
 7 the Nevada Supreme Court to automatically review public discipline imposed by a Nevada State
 8 Bar hearing panel. To be sure, it provides no subject matter jurisdiction to review public
 9 discipline imposed by the State of California.

10 3. By filing what amounts to nothing more than a collateral challenge to his
 11 disbarment and the numerous denials of his attempts to overturn, Plaintiff simply tries to make an
 12 end around of the results of federal and state courts located in California for which this Court
 13 lacks subject matter jurisdiction. The complaint therefore is properly dismissed pursuant to
 14 Nevada Rule of Civil Procedure 12(b)(1) for lack of subject matter jurisdiction.

15 **II. There is No Personal Jurisdiction over the California Supreme Court Defendants**

16 1. To survive a motion to dismiss for lack of personal jurisdiction, the plaintiff must
 17 "make a prima facie showing of personal jurisdiction" by "producing] some evidence in support
 18 of all facts necessary for a finding of personal jurisdiction." *Trump v. Eighth Judicial Dist. Court*,
 19 109 Nev. 687, 692, 857 P.2d 740, 743-44 (1993). When considering a motion to dismiss for lack
 20 of personal jurisdiction, the plaintiff is required to go beyond the pleadings and proffer some
 21 competent evidence supporting a finding of personal jurisdiction. *Id.* at 693, 857 P.2d at 744
 22 (explaining that the plaintiff "may not simply rely on the allegations of the complaint to establish
 23 personal jurisdiction").

24 2. Plaintiff has pled no facts in his complaint that would establish this court's personal
 25 jurisdiction-general or specific-over the California Supreme Court Defendants, all of whom are
 26 California residents. Plaintiff does not allege that the injuries he sustained occurred in Nevada,
 27 that Defendants were served with process in Nevada, or that this case or Defendants have anything
 28 at all to do with Nevada. *See Nguyen v. Margines*, 2021 WL 5761766 *2 (D. Nev., Dec. 3,

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2021) (dismissing the plaintiffs' suit against California state-court judges seeking damages against them for judgments entered against the plaintiffs in other cases in California due to lack of personal jurisdiction).

3. General jurisdiction exists only where the defendant's activities in the forum state are so substantial or continuous and systematic that it may be deemed present in the forum and hence subject to suit over claims unrelated to its activities here. *Helicopteros Nacionales de Colombia, S.A. v. Hall*, 466 U.S. 408, 415-16, 104 S. Ct. 1868 (1984); *Trump*, 109 Nev. at 699, 857 P.2d at 748.

4. Plaintiff impermissibly seeks to avail himself of access to this court in Nevada because one of the many jurists that exercised jurisdiction over his case originating in California still has a home office in Nevada (i.e., the Honorable Judge Johnnie Rawlinson). This allegation clearly does not establish personal jurisdiction for the California Supreme Court Defendants.

5. To show specific jurisdiction, Plaintiff must demonstrate facts showing that the defendants purposefully availed themselves of the privilege of acting in Nevada or caused important consequences here, that the cause of action arises from the defendant's activities in Nevada, and that those activities, or the consequences thereof, have such a substantial connection with Nevada as to make the exercise of jurisdiction over the defendant reasonable. *Consipio Holding, BV v. Carlberg*, 128 Nev. 454, 458-59, 282 P.3d 751, 755 (2012).

6. Nowhere does Plaintiff allege, or even remotely indicate, that Chief Justice Cantil-Sakauye or Jorge Navarrete "purposefully directed" any activity toward Nevada. The Complaint itself makes clear that this action involves Plaintiff's attempts to obtain judicial review and reversal of being disbarred as a California lawyer and being declared a vexatious litigant in state and federal courts in California. Indeed, neither the Supreme Court of California Defendants nor any of the other California jurists and California State Bar agents had any jurisdiction or ability to perform any legal act in the State of Nevada.

7. There is nothing to suggest Plaintiff's claims arise out of the activities of any Defendant in Nevada. To the contrary, the activities which give rise to Plaintiff's claims exclusively occurred in California. Other than identifying Judge Rawlinson's alleged personal

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1 residence or home State, Nevada is never mentioned in the Complaint whatsoever. Even if Judge
 2 Rawlinson's involvement in federal cases pending in the Ninth Circuit somehow implicate
 3 Nevada, which they do not, there is still absolutely no Nevada connection to the California
 4 Supreme Court Defendants. Plaintiff, to be sure, does not attribute any conduct by the Superior
 5 Court Defendants directed toward Nevada.

6 8. Plaintiff argues that because one of the many Defendants he named is a one-time
 7 Nevada resident that venue is proper in Clark County, Nevada. The clear failing in this singular
 8 argument to resist the motion to dismiss is that the California Supreme Court Defendants did not
 9 seek dismissal based upon improper venue at all. To be sure, venue and personal jurisdiction are
 10 separate requirements. *See State ex rel. DePaul Health Center v. Mummert*, 870 S.W.2d 820, 821
 11 (Mo. banc 1994) (stating "venue and personal jurisdiction address entirely different concerns and
 12 venue is not a prerequisite to personal jurisdiction").

13 9. Plaintiff cannot obtain personal jurisdiction over everyone he names in a lawsuit
 14 even assuming that there is a personal jurisdiction over one of the other defendants. Moreover,
 15 there is no basis to suggest Judge Rawlinson did anything in connection with her involvement in a
 16 case pending in the Ninth Circuit Court of Appeals that subjects her to be sued in Nevada.

17 10. Plaintiff has failed to show that the California Supreme Court Defendants are
 18 subject to general jurisdiction in Nevada or have certain minimum contacts for specific
 19 jurisdiction. Therefore, the case is also dismissed for want of personal jurisdiction pursuant to
 20 Rule 12(b)(2).

21 **III. The Complaint States No Valid Claim for Relief**

22 1. When presented with a Nevada Rule of Civil Procedure 12(b)(5) motion to dismiss
 23 for failure to state a claim, the district court must view all factual allegations in the complaint as
 24 true, and draw all reasonable inferences in favor of the nonmoving party. *Kourafas v. Basic Food*
 25 *Flavors, Inc.*, 120 Nev. 195, 197, 88 P.3d 822, 823 (2004).

26 2. Claims of immunity present issues that are generally appropriately decided as early
 27 as possible, in order to "avoid excessive disruption of government." *Harlow v. Fitzgerald*, 457
 28 U.S. 800, 818 (1982). Because the essence of immunity is its possessor's entitlement not to have

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1 to answer for his conduct in a civil damages action, that protection is effectively lost if a case is
 2 erroneously permitted to go to trial. *See Siegert v. Gilley*, 500 U.S. 226, 232, 111 S.Ct. 1789
 3 (1991) ("One of the purposes of immunity, absolute or qualified, is to spare a defendant not only
 4 unwarranted liability, but unwarranted demands customarily imposed upon those defending a long
 5 drawn-out lawsuit."); *see also State of Nevada v. Second Judicial District Court*, 118 Nev. 609,
 6 615, 55 P.3d 420, 423 (2002) ("Absolute immunity is a broad grant of immunity not just from the
 7 imposition of civil damages, but also from the burdens of litigation, generally.").

8 3. Judges possess a "sweeping form of immunity" for all acts performed that relate to
 9 the "judicial process." *Forrester v. White*, 484 U.S. 219, 225, 108 S.Ct. 538 (1988); *Imbler v.*
 10 *Pachtman*, 424 U.S. 409, 423 n.20, 96 S.Ct. 984 (1976). Irrespective of the judge's subjective
 11 intent, immunity insulates the judge's actions except where done in the clear absence of
 12 jurisdiction. *See Stump v. Stackman*, 435 U.S. 349, 359, 98 S.Ct. 1099 (1978). Put differently,
 13 this absolute immunity insulates judges from charges or erroneous acts or irregular action, even
 14 when it is alleged that such action was driven by malice, bad faith or corruption. *Forrester*, 484
 15 U.S. at 227-28; *see also Mireles v. Waco*, 502 U.S. 9, 11, 112 S.Ct. 286 (1991). Furthermore, the
 16 absolute immunity is not pierced by allegations of judicial authority "flawed by the commission of
 17 grave procedural errors." *Stump*, 435 U.S. at 359.

18 4. In addition, allegations of conduct in excess of jurisdiction are thus insufficient, a
 19 judge will only forfeit his immunity when he acts in "clear absence of all jurisdiction." *Mullis v.*
 20 *U.S. Bankruptcy Court for the District of Nevada*, 828 F.2d 1385, 1389 (9th Cir. 1987). The fact
 21 that a judge acts informally, outside the courtroom and without observance of procedural
 22 requirements, or engages in ex parte communications, does not strip a judge of absolute
 23 immunity. *Stump*, 435 at 361-63, 98 S.Ct. at 1107-08; *see also Forrester*, 108 S.Ct. at 544. Nor is
 24 judicial immunity lost as a result of improper favor or disfavor to a party. *Moore v. Brewster*, 96
 25 F.3d 1240, 1244 (9th Cir.1996).

26 5. Absolute judicial immunity thus covers "virtually all acts, regardless of
 27 motivation," therefore, "when the underlying activity at issue is covered by absolute immunity, the
 28 plaintiff derives no benefit from alleging a conspiracy." *Pinaud v. County of Suffolk*, 52 F.3d

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1 1139, 1148 (2d Cir. 1995). Plaintiff's allegations and argument regarding improper motive, bad
 2 faith, or even acts taken in an unquestionably illegal manner are all irrelevant. *See RedZone 12*
 3 *LLC v. City of Columbus*, 758 F.App'x 508, 513-14 (6th Cir. 2019); *Imbler*, 424 U.S. at 431, 96
 4 S.Ct. 984 (allegations of conspiracy to wrongfully convict plaintiff did not overcome prosecutorial
 5 immunity); *Forrester*, 484 U.S. at 227-28, 108 S.Ct. 538 (holding an act "does not become less
 6 judicial by virtue of allegations of malice or corruption of motive"); *Ashelman v. Pope*, 793 F.2d
 7 1072, 10771-78 (9th Cir. 1986) ("[A] conspiracy between judge and prosecutor to predetermine
 8 the outcome of a judicial proceeding, while clearly improper, nevertheless does not pierce the
 9 immunity extended to judges and prosecutors.").

10 6. "Court clerks have absolute quasi-judicial immunity from damages for civil rights
 11 violations when they perform tasks that are an integral part of the judicial process." *Mullis v.*
 12 *United States Bankruptcy Court*, 828 F.2d 1385, 1390 (9th Cir. 1987) (applying quasi-judicial
 13 immunity where clerks accepted and filed incomplete bankruptcy petition and later refused to
 14 accept amended petition); *see also Moore v. Brewster*, 96 F.3d 1240, 1244 (9th Cir. 1996)
 15 (applying immunity where clerk deceived plaintiff regarding the status of supersedeas bond and
 16 improperly conducted hearings to assess costs against plaintiff); *Morrison v. Jones*, 607 F.2d
 17 1269, 1273 (9th Cir. 1979) (applying quasi-judicial immunity where clerk failed to provide notice
 18 of court order).

19 7. Absolute quasi-judicial immunity is "extended ... to court clerks and other
 20 nonjudicial officers for purely administrative acts-acts which taken out of context would appear
 21 ministerial, but when viewed in context are actually a part of the judicial function." *In re Castillo*,
 22 297 F.3d 940, 952 (9th Cir. 2002). Where the accused conduct is an integral part of the judicial
 23 process, clerks qualify for quasi-judicial immunity unless such conduct was undertaken "in the
 24 clear absence of all jurisdiction." *Mullis*, 828 F.2d at 1390. Quasi-judicial immunity nevertheless
 25 applies to clerk action that is "a mistake or an act in excess of jurisdiction ..., even if it results in
 26 'grave procedural errors.'" *Id.*

27 8. The act of making decisions following motion practice of a litigant (including
 28 finding that a party subject to jurisdiction of the court is a vexatious litigant) before the court is

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clearly a judicial act. Allegations that there were ex parte communications or that the judicial decisions were the result of bad faith, or a conspiracy do not pierce judicial immunity. Chief Justice Cantil-Sakauye's decisions at issue had to occur while she was inside the courtroom or inside chambers in preparing and finalizing judicial orders. The actions Plaintiff alleges as constitutional transgressions against Chief Justice Cantil-Sakauye center around Plaintiff's case before her in review of the State Bar of California's disciplinary action. This is plainly a case where judicial immunity attaches.

9. The only specific allegation against Jorge Navarrete is that he "illegally conspired to not file, as required, legal pleadings, motions and papers duly submitted by DYDZAK for docket filing with the Clerk's Office of the Supreme Court of California." (Complaint, 31, p. 6.) As the Clerk/Executive Officer of the Supreme Court of California, Defendant Navarrete's duties include the creation and management of uniform record-keeping systems. California Rules of Court, rule 10.1020(c)(7). His alleged conspiracy to not file Plaintiff's papers in the California Supreme Court is indisputably "an integral part of the judicial process." *Mullis*, 828 F.2d at 1390; *see also Sedgwick v. United States*, 265 Fed. Appx. 567, 568 (9th Cir. 2008) (Supreme Court Clerk entitled to absolute quasi-judicial immunity for refusing to file plaintiff's petition for writ of certiorari). The claims against Jorge Navarrete are therefore barred by the doctrine of quasi-judicial immunity.

10. Plaintiff fails to state a valid claim for relief against the California Supreme Court Defendants because they are possess absolute immunity as to all allegations and all claims for relief alleged in the Complaint. The Court therefore also grants the motion to dismiss pursuant to Nevada Rule of Civil Procedure 12(b)(5).

IT IS HEREBY ORDERED that the motion to dismiss is granted in all respects

DATED this 2nd day of ~~May~~ ^{June}, 2022.

Dated this 3rd day of June, 2022

Nancy L. Alf
 DISTRICT COURT JUDGE

TW

10A CB8 7A23 4559
 Nancy Alf
 District Court Judge

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1 Submitted by:

2 OLSON CANNON GORMLEY
3 & STOBERSKI

4 By: /s/ Thomas D. Dillard, Esq.
5 THOMAS D. DILLARD, ESQ.

6 Nevada Bar No. 6270
7 9950 W. Cheyenne Avenue
8 Las Vegas, Nevada 89129
9 Attorney for the California Supreme Court Defendants

10 Approved as to form and content:

11 By: _____
12 Daniel David Dydzak
13 4265 Marina City Drive,
14 Suite 407W
15 Marina del Rey, CA 90292
16 Plaintiff Pro Se

CERTIFICATE OF SERVICE

I hereby certify that I am employed in the law offices of OLSON CANNON GORMLEY & STOBERSKI, and that on the 23rd day of May, 2022, I served a copy of the foregoing **ORDER GRANTING DEFENDANTS' MOTION TO DISMISS**, in the following manner: (ELECTRONIC SERVICE) Pursuant to Administrative Order 14-2, the above-referenced document was electronically filed on the date hereof and served through the Notice of Electronic Filing automatically generated by the Court's facilities to those parties listed on the Court's Master Service List, (or, if necessary, by U.S. Mail, first class, postage pre-paid, or via email), upon the following:

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Suite 407W
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Plaintiff Pro Se

Kaufman

An employee of OLSON CANNON
GORMLEY & STOBERSKI

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EXHIBIT “B”

Register of Action

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California Courts - Appellate Court Case Information

Appellate Courts Case Information

Supreme Court

Change court ▼

Docket (Register of Actions)

DYDZAK ON DISCIPLINE

Division SF

Case Number S179850

Date	Description	Notes
01/27/2010	Record of State Bar discipline filed	recommendation: disbarment. *7 volumes.
04/01/2010	Petition for writ of review filed	Petitioner: Daniel David Dydzak Attorney: Daniel David Dydzak under CRC 8.25(b)
04/01/2010	Forma pauperis application filed	
04/20/2010	Response by State Bar filed	Non-Title Respondent: State Bar of California Attorney: Danielle A. Lee
05/03/2010	Reply to State Bar response filed	Petitioner: Daniel David Dydzak Attorney: Daniel David Dydzak crc 8.25 (b)
05/12/2010	Petition for writ of review denied; disbarred	The petition for writ of review is denied. The court orders that Daniel David Dydzak, State Bar Number 121857, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys. Daniel David Dydzak must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.
05/21/2010	Order filed	The order filed on May 12, 2010, is amended as to the State Bar case numbers to read; "S.B.C. Nos. 04-O-14383/06-O-10960."
06/01/2010	Received:	notice from the Supreme Court of United States, dated May 27, 2010; petition for writ of certiorari was filed May 24, 2010, and placed on the US Supreme Court docket on May 27, 2010, under No. 09-11066.
06/04/2010	Received:	service copy of notice that petition is filed under US Supreme Court # 09-11066.

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07/26/2010	Note: Mail returned (unable to forward)	states name does not exist; return to sender.
10/07/2010	Received:	from the Supreme Court of the United States, Office of the Clerk, dated October 4, 2010, a notice that the petition for writ of certiorari filed under case# 09-11066, was denied.
01/11/2012	Motion filed	by Daniel D. Dydzak, petitioner, to reopen disciplinary case due to fraud upon the court and reverse and set aside void disbarment order. (to court for consideration)
01/23/2012	Received:	Letter and proposed order from petitioner.
01/30/2012	Received:	Petitioner's request for ruling forthwith on pending motion
02/06/2012	Received:	Petitioner's second request for ruling on pending motion
02/15/2012	Received:	Petitioner's Third Request for Ruling Forthwith on Pending Motion
02/15/2012	Motion denied	The motion to reopen the disciplinary proceeding filed on January 11, 2012 is denied.
02/22/2012	Note: Mail returned (unable to forward)	Order filed 2/15/12, sent to petitioner.
09/20/2013	Returned record	to State Bar Court (7 vols.)
03/01/2018	Motion filed	Motion to Reopen Disciplinary Case and Reverse, Set Aside or Vacate Unlawful Disbarment Order Daniel David Dydzak, Petitioner
03/19/2018	Received:	Petitioner's Request for Expedited Ruling.
03/19/2018	Application for relief from default filed	By State Bar of California to file Opposition to Motion to Reopen Disciplinary Case and Reverse, Set Aside or Vacate Unlawful Disbarment Order.
03/19/2018	Received:	State Bar's Untimely Opposition to Motion to Reopen Disciplinary Case and Reverse, Set Aside or Vacate Unlawful Disbarment Order.
03/21/2018	Letter sent to:	Sean T. Strauss, The State Bar of California, Office of General Counsel Dear Mr Strauss: The court has considered your application to file your untimely opposition to petitioner's motion to reopen his disciplinary case and reverse, set aside, or vacate unlawful disbarment order. Your application to file the untimely opposition has been denied. (Cal. Rules of Court, rule 8.60(d).) The court has directed that your motion be returned to you, and we are returning herewith the original and eight copies of the motion.
05/09/2018	Motion denied	The motion to reopen disciplinary case and reverse, set aside, or vacate disbarment order is denied.
05/14/2018	Motion filed	Motion to reverse and set aside void order filed May 9, 2018, and to disqualify Chief Justice Tani Cantil-Sakauye Daniel David Dydzak, Petitioner

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California Courts - Appellate Court Case Information

05/17/2018	Motion filed	Petitioner Dydzak's Motion to Reconsider, Reverse and Set Aside Void Order Filed and Dated May 9, 2018; Memorandum of Points and Authorities; Declaration of Daniel David Dydzak in Support Thereof; Exhibit; Request for Oral Argument
		Daniel David Dydzak, Petitioner
05/17/2018	Received:	Letter dated May 14, 2018, from petitioner Daniel Dydzak
05/21/2018	Received:	Letter dated May 16, 2018, from petitioner Daniel Dydzak
05/21/2018	Note: Mail returned (unable to forward)	Order issued on May 9, 2018 to petitioner.
05/24/2018	Received:	Letter dated May 20, 2018, from petitioner Daniel Dydzak
05/24/2018	Received:	Letter dated May 21, 2018, from petitioner Daniel Dydzak
06/06/2018	Filed:	Petitioner's Notice of Non-Opposition by State Bar of California to Petitioner Dydzak's Two Pending Motions
06/06/2018	Filed:	Petitioner's Request for Expedited Ruling Re: Petitioner Dydzak's Two Pending Motions and Proposed Order
06/06/2018	Filed:	Petitioner's Request for Judicial Notice; Declaration of Daniel D. Dydzak thereto; Exhibit
06/14/2018	Received:	Letter dated June 11, 2018, from petitioner Daniel D. Dydzak
06/27/2018	Motion denied	The request for judicial notice filed June 6, 2018, is granted. The motion to reverse and set aside order and disqualify the Chief Justice, filed May 14, 2018, is denied. The motion to reconsider, reverse, and set aside order, filed May 17, 2018, is denied.
07/02/2018	Received:	Letter dated June 29, 2018, from petitioner Daniel D. Dydzak.
07/02/2018	Motion filed	Petitioner Dydzak's Motion to Reverse and Set Aside Void Order Filed June 27, 2018 Due to Lack of Proper Quorum and to Disqualify Chief Justice Tani Cantil-Sakauye Based Upon Disqualification Factors and a Showing of Extrinsic Fraud
07/16/2018	Received:	Letter dated July 13, 2018, from petitioner Daniel D. Dydzak.
07/16/2018	Filed:	Petitioner Dydzak's Request for Expedited Ruling Re: Motion to Reverse and Set Aside Void Order Filed June 27, 2018, etc.
08/08/2018	Motion denied	The motion to reverse and set aside order and disqualify the Chief Justice, filed July 2, 2018, is denied.
08/13/2018	Received:	Letter dated August 11, 2018, from petitioner Daniel D. Dydzak.
08/13/2018	Motion filed	Petitioner Dydzak's Motion to Reverse and Set Aside Void Order Filed August 8, 2018 Due to Lack of Proper Quorum
08/20/2018	Received:	Letter dated August 15, 2018, from petitioner Daniel D. Dydzak.
09/12/2018	Motion denied	The motion to reverse and set aside order and disqualify the Chief Justice, filed August 13, 2018, is denied.
09/17/2018	Received:	Letter dated September 15, 2018, from petitioner Daniel D. Dydzak.
09/17/2018	Motion filed	Petitioner Dydzak's Motion to Reverse and Set Aside Void Order Filed September 12, 2018 Due to Lack of Proper Quorum
09/17/2018	Received:	Service copy of letter from petitioner Daniel Dydzak dated September 12, 2018, addressed to the Commission on Judicial Performance.
09/17/2018	Received:	Service copy of letter from petitioner Daniel Dydzak dated September 14, 2018, addressed to the Commission on Judicial Performance.
09/20/2018	Received:	Service copy of letter from petitioner Daniel Dydzak dated September 18, 2018, addressed to the Commission on Judicial Performance.

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California Courts - Appellate Court Case Information

09/24/2018	Note: Mail returned (unable to forward)	Copy of an order issued on September 12, 2018, to Daniel Dydzak.
09/26/2018	Received:	Service copy of letter from petitioner Daniel Dydzak dated September 24, 2018, addressed to the Commission on Judicial Performance.
10/10/2018	Motion denied	The motion to reverse and set aside order and disqualify the Chief Justice, filed September 17, 2018, is denied. Corrigan, J., was absent and did not participate.
10/19/2018	Received:	Letter dated October 17, 2018, from petitioner Daniel D. Dydzak.
10/19/2018	Motion filed	Petitioner Dydzak's Motion to Reverse and Set Aside Void Order Filed October 10, 2018 Due to Lack of Proper Quorum
10/19/2018	Received:	Service copy of letter from petitioner Daniel Dydzak dated October 16, 2018, addressed to the Commission on Judicial Performance.
10/23/2018	Received:	Service copy of letter from petitioner Daniel Dydzak dated October 15, 2018, addressed to Director of the Commission on Judicial Performance.
10/23/2018	Received:	Letter dated October 18, 2018, from petitioner Daniel D. Dydzak.
10/29/2018	Note: Mail returned (unable to forward)	Copy of order issued on October 10, 2018, to Daniel Dydzak.
11/14/2018	Motion denied	The motion to reverse and set aside order and disqualify the Chief Justice, filed October 19, 2018, is denied.
11/19/2018	Motion filed	"Petitioner Dydzak's motion to reverse and set aside void order filed November 14, 2018..."
11/19/2018	Received:	Service copy of letter from petitioner Daniel Dydzak dated November 15, 2018, addressed to the Commission on Judicial Performance.
11/19/2018	Received:	Service copy of letter from petitioner Daniel Dydzak dated November 16, 2018, addressed to the President and other Justices.
11/21/2018	Motion filed	Petitioner Dydzak's Motion for Order to Show Cause
11/26/2018	Note: Mail returned (unable to forward)	Copy of order issued on November 14, 2018, to Daniel Dydzak.
11/26/2018	Received:	Service copy of petitioner Daniel Dydzak's motion for extension of time dated November 19, 2018, addressed to the U.S. Court of Appeals for the Ninth Circuit.
11/26/2018	Received:	Letter, dated November 23, 2018, from petitioner Daniel Dydzak.
12/03/2018	Received:	Letter dated November 26, 2018, from petitioner Daniel D. Dydzak.
01/23/2019	Motion denied	The motion to reverse and set aside order and disqualify the Chief Justice, filed November 19, 2018, and the motion for an order to show cause filed November 21, 2018 are denied.
01/28/2019	Motion filed	Petitioner Dydzak's Motion for Order to Show Cause
01/28/2019	Received:	Service copy of letter from petitioner Daniel Dydzak dated January 23, 2019, addressed to the Commission on Judicial Performance.
01/28/2019	Received:	Notice of Errata Petitioner inadvertently typed the date of November 26, 2018, instead of January 24, 2019, on letter sent to this office pertaining to Petitioner's newly submitted Motion for Order to Show Cause, etc.
01/28/2019	Motion filed	Petitioner Dydzak's Motion to Vacate, Reverse and Set Aside Void Order of January 23, 2019

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California Courts - Appellate Court Case Information

01/28/2019	Received:	Petitioner Dydzak's Notice of filing proof of service for Order to Show Cause
01/30/2019	Motion filed	Petitioner Dydzak's Motion to Reverse, Set Aside or Vacate Unlawful Disbarment Order
01/30/2019	Motion filed	Petitioner Dydzak's Motion to Reverse and Set Aside Void Order Filed January 23, 2019, Due to Lack of Proper Quorum
01/31/2019	Motion filed	Petitioner Dydzak's Motion for Oral Argument of Pending Motions
02/01/2019	Motion filed	Petitioner Dydzak's Motion for Expedited Hearing and Ruling on Pending Motions
02/01/2019	Note: Mail returned (unable to forward)	Copy of order issued on January 23, 2019, to Daniel Dydzak.
02/19/2019	Filed:	Petitioner Dydzak's Notice of Non-Opposition to Pending Motions
03/20/2019	Received:	Letter dated March 16, 2019, from petitioner Daniel D. Dydzak.
04/02/2019	Received:	Service copy of letter from petitioner Daniel Dydzak dated March 28, 2019, addressed to the Commission on Judicial Performance.
04/08/2019	Received:	Service copy of letter from petitioner Daniel Dydzak dated April 3, 2019, addressed to the Commission on Judicial Performance.
04/08/2019	Filed:	Letter dated April 4, 2019, from petitioner Daniel D. Dydzak - Second request for expedited ruling on pending motions; non-opposition to said motions by State Bar of California.
04/17/2019	Order filed	The motion to vacate, reverse and set aside order, request for judicial notice, and the motion for an order to show cause filed January 28, 2019 are denied. The motions for oral argument and for an expedited hearing are denied.
04/22/2019	Motion filed	Petitioner Dydzak's Letter dated April 20, 2019, and Motion for Order to Show Cause
04/22/2019	Received:	Service copy of Petitioner Daniel Dydzak's letter dated April 19, 2019, addressed to the Commission on Judicial Performance.
04/22/2019	Received:	Service copies of Petitioner Daniel Dydzak's two letters dated April 18, 2019, addressed to the Commission on Judicial Performance.
04/25/2019	Received:	Petitioner's Request for Judicial Notice ; Declaration of Daniel D. Dydzak thereto; Exhibit
04/25/2019	Received:	Letter dated April 21, 2019, from Daniel Dydzak entitled "Request for Emergency Expedited Ruling on Two Pending Motions".
04/25/2019	Received:	Letter dated April 21, 2019, from Daniel Dydzak and Disqualification Motion
04/29/2019	Received:	Service copy of Letter from Daniel Dydzak dated April 23, 2019, and Motion addressed to the Ninth Circuit Court of Appeals
05/02/2019	Received:	Service copy of letter dated April 29, 2019, from Daniel Dydzak, addressed to the State Bar of California.
05/06/2019	Received:	Service copy of letter dated May 4, 2019, from Daniel Dydzak addressed to the Commission on Judicial Performance.
05/06/2019	Received:	Petitioner's Notice of Non-Opposition by State Bar of California to Petitioner Dydzak's Pending Motions
05/06/2019	Received:	Service copy of letter dated May 2, 2019, from Daniel Dydzak addressed to the Clerk of the Ninth Circuit Court of Appeals and Motion.
05/06/2019	Received:	Service copy of letter from Daniel Dydzak dated May 4, 2019, addressed to the Commission on Judicial Performance.
05/28/2019	Received:	Service copy of letter dated May 23, 2019, from Daniel Dydzak addressed to the Office of Disciplinary Counsel Board of Professional Responsibility District of Columbia Court of Appeals.
05/28/2019	Received:	Petitioner Dydzak's New Motion for Oral Argument of Pending Motions and to Permit Camera Coverage and Media Filming
05/28/2019	Received:	Petitioner Dydzak's Motion for Leave to Take Videotaped Depositions of Pertinent Material Witnesses

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California Courts - Appellate Court Case Information

05/28/2019	Received:	Petitioner Dydzak's Motion for Expedited Hearing and Ruling on Pending Motions
05/28/2019	Received:	Service copy of letter dated May 24, 2019, from Daniel Dydzak addressed to Elaine M. Howle, CPA, California State Auditor.
07/03/2019	Received:	Letter dated June 30, 2019, from Daniel Dydzak entitled Request for Ruling on Pending Motions at July 10, 2019, Petition Conference.
07/29/2019	Received:	Letter dated July 25, 2019, from petitioner Daniel Dydzak entitled, "Request for Ruling on Pending Motions at July 31, 2019 Conference".
08/05/2019	Received:	Letter dated August 1, 2019, from petitioner Daniel Dydzak entitled, "Request for Ruling on Pending Motions at August 14, 2019 Conference".
08/05/2019	Received:	Service copy of letter dated August 2, 2019, from Daniel Dydzak addressed to Chief Trial Counsel of the State Bar of California.
08/19/2019	Received:	Letter dated August 15, 2019, from petitioner Daniel Dydzak entitled, "Request for Ruling on Pending Motions at August 21, 2019 Conference".
08/26/2019	Received:	Letter dated August 22, 2019, from petitioner Daniel Dydzak entitled, "Request for Ruling on Pending Motions at August 28, 2019 Conference".
09/03/2019	Received:	Letter dated August 29, 2019, from petitioner Daniel Dydzak entitled, "Request for Ruling on Pending Motions at September 11, 2019 Conference".
09/11/2019	Motion denied	The motion for an order to show cause filed April 22, 2019 is denied. This matter is now final. The court will no longer consider challenges to petitioner's disbarment.

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EXHIBIT “C”

Vexatious Litigant Prefiling Orders

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MC-700

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and Address): <i>(To be completed only if a party is making the motion)</i> Danielle A. Lee (225676) The State Bar of California 180 Howard St., San Francisco, CA 94105 ATTORNEY FOR (Name): Dunn, Babcock, et al. TELEPHONE NO.: 415-538-2339 FAX NO.: 415-538-2321 E-MAIL ADDRESS: danielle.lee@calbar.ca.gov		FOR COURT USE ONLY
<input type="checkbox"/> COURT OF APPEAL, APPELLATE DISTRICT, DIVISION <input checked="" type="checkbox"/> SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: 220 W. Broadway MAILING ADDRESS: CITY AND ZIP CODE: San Diego, CA 92101 BRANCH NAME: Central Division		
CASE NAME: Daniel D. Dydzak v. Joseph Lawrence Dunn et al.		
PREFILING ORDER—VEXATIOUS LITIGANT		CASE NUMBER: 30-2012-00556031

- Name and address of each plaintiff or cross-complainant or other party subject to this prefiling order:
 Daniel D. Dydzak
 4265 Marina City Drive
 Marina Del Ray, 90282
- This prefiling order is entered pursuant to a motion made by ☐ the court ☒ party (name):
 Defendants Dunn, Babcock, et al.
- The person or persons identified in item 1, unless represented by an attorney, are prohibited from filing any new litigation in the courts of California without approval of the presiding justice or presiding judge of the court in which the action is to be filed.
- The clerk is ordered to provide a copy of this order to the California Judicial Council by fax at 415-885-4329 or by mail at the address below.

Vexatious Litigant Prefiling Orders
 California Judicial Council
 Administrative Office of the Courts
 455 Golden Gate Avenue
 San Francisco, California 94102

Date:

APR 15 2013

WILLIAM S. DATO

JUDICIAL OFFICER

WILLIAM S. DATO



CLERK'S CERTIFICATE

The foregoing document, consisting of _____ page(s), is a full, true, and correct copy of the [Original] [] copy on file in this office.

Clerk of the Superior Court

by [Signature] SAM COLAS
 Date: APR 10 2013

PREFILING ORDER—VEXATIOUS LITIGANT

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 MC-700 (Rev. January 1, 2013)

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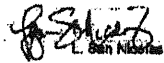


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SER-399

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO Central 330 West Broadway San Diego, CA 92101	
SHORT TITLE: Daniel D Dydzak vs Joseph Lawrence Dunn	
CLERK'S CERTIFICATE OF SERVICE BY MAIL	CASE NUMBER: 30-2012-00558031

I certify that I am not a party to this cause. I certify that a true copy of the PRE-FILING ORDER VEXATIOUS LITIGANT was mailed following standard court practices in a sealed envelope with postage fully prepaid, addressed as indicated below. The mailing and this certification occurred at San Diego, California, on 04/08/2013.

Clerk of the Court, by: , Deputy

JUDICIAL COUNCIL OF CALIFORNIA
455 GOLDEN GATE AVENUE
SAN FRANCISCO, CA 94102

☐ Additional names and address attached.

CLERK'S CERTIFICATE OF SERVICE BY MAIL

Page: 1

SER-400

Case 2:11-cv-05560-JCC Document 35 Filed 09/25/12 Page 1 of 11 Page ID #:419

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

DANIEL DAVID DYDZAK,

Plaintiff,

v.

TANI CANTIL-SAKAUYE, et al.,

Defendant.

CASE NO. C11-5560-JCC

ORDER

In its order of March 2, 2012, the Court dismissed on its own motion *pro se* Plaintiff Daniel Dydzak's Complaint and ordered Mr. Dydzak to show cause as to why he should not be sanctioned for failure to comply with Federal Rule of Civil Procedure 11(b). (Dkt. No. 16.) Shortly thereafter, this Court issued a second order to show cause, in which it directed Mr. Dydzak to show cause as to (1) why he should not be declared a vexatious litigant, and (2) why he should not be prohibited from initiating further litigation alleging deprivation of rights under 42 U.S.C. § 1983 relating to his disbarment without prior authorization. (Dkt. No. 19.) Plaintiff responded to each order to show cause on April 2 and April 5, 2012, respectively. (Dkt. Nos. 31, 32.) Having considered Plaintiff's responses and the balance of the record, the Court finds that Plaintiff has failed to show good cause and hereby ORDERS that plaintiff is declared a vexatious litigant and subject to this pre-filing order, as explained below.

ORDER
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SER-401

1 **I. DISCUSSION**

2 As the Ninth Circuit has recognized, “[f]lagrant abuse of the judicial process cannot be
3 tolerated because it enables one person to preempt the use of judicial time that properly could be
4 used to consider the meritorious claims of other litigants.” *See De Long v. Hennessey*, 912 F.2d
5 1144, 1148 (9th Cir. 1990). To combat such abuses, litigation misconduct is sanctionable under
6 this Court’s inherent power, C.D. Cal. Local Rule 83-8, and Federal Rule of Civil Procedure 11.
7 In rare circumstances, such sanctions may take the form of a pre-filing order, which limits one’s
8 ability to initiate further litigation. *See De Long*, 912 F.2d at 1147 (recognizing “inherent power
9 of federal courts to regulate the activities of abusive litigants”); C.D. Cal. Local Rule 83-8.2
10 (authorizing court to issue “orders as are appropriate to control the conduct of a vexatious
11 litigant”); FED. R. CIV. P. 11(c)(4) (permitting Court to impose sanctions in the form of
12 nonmonetary directives). Before imposing a pre-filing order against a *pro se* litigant, however, a
13 district court must (1) provide the litigant with “adequate notice and a chance to be heard,” (2)
14 identify the “cases and motions that support the conclusion that [the litigant’s] filings are so
15 numerous or abusive that they should be enjoined,” (3) make “substantive findings as to the
16 frivolous or harassing nature of the litigant’s actions,” and (4) ensure that any pre-filing order is
17 “narrowly tailored to closely fit the specific vice encountered.” *Molski v. Evergreen Dynasty*
18 *Corp.*, 500 F.3d 1047, 1057 (9th Cir. 2007) (quoting *De Long*, 912 F.2d at 1145-48 (internal
19 quotation and citation omitted)). The purpose of these requirements is to ensure that the pre-
20 filing order does not “tread on the litigant’s due process right of access to the courts.” *Id.* This
21 Court addresses each of these requirements below.

22 **A. Notice and Opportunity to be Heard**

23 In the instant case, the Court finds that Mr. Dydzak was provided with adequate notice
24 and an opportunity to be heard. By its orders dated March 2 and March 7, 2012, this Court
25 directed Mr. Dydzak to show cause as to why he should not be sanctioned for failure to abide by
26 Rule 11(b) and why he should not be declared a vexatious litigant and subject to a pre-filing bar.

1 (Dkt. Nos. 16, 19.) Mr. Dydzak was given the opportunity to respond, which he did through two
2 separate opposition briefs. (Dkt. Nos. 31, 32.) In his responses to the orders to show cause,
3 Plaintiff also provided the Court with signed declarations in support of his opposition briefs. *Id.*
4 The Court has thoroughly considered each of Mr. Dydzak's responses and supporting materials.
5 Accordingly, Plaintiff was provided notice and afforded an opportunity to respond to the
6 possibility that he would be declared a vexatious litigant and subject to a pre-filing order. *See*
7 *Molski*, 500 F.3d at 1058-59; *cf. Pacific Harbor Cap., Inc. v. Carnival Air Lines, Inc.*, 210 F.3d
8 1112, 1118 (9th Cir. 2000) (imposing sanctions against attorney and holding that "[t]he
9 opportunity to brief the issue fully satisfies due process requirements").

10 B. Adequate Record

11 The second requirement is that this Court establish an adequate record of review. *See De*
12 *Long*, 912 F.2d at 1147-48. "An adequate record for review should include a listing of all the
13 cases and motions that led the district court to conclude that a vexatious litigant order was
14 needed." *Id.* at 1147. In this Court's prior order to show cause (Dkt. No. 19), the Court provided
15 a case-by-case and motion-by-motion replay of Mr. Dydzak's litigation history, which it includes
16 in full and supplements below.

17 This is Mr. Dydzak's fourth federal lawsuit challenging his 2008
18 disbarment. In the first such case, *Dydzak v. State of California, et al.*, C08-7765-
19 VAP (AGR) (C.D. Cal. 2008) (*Dydzak I*), Mr. Dydzak alleged that individual
20 defendants in separate actions he had been litigating prior to his disbarment had
21 exerted improper influence over his state bar proceedings. He sued the State of
22 California, the State Bar Court, and numerous judges and attorneys affiliated with
23 the State Bar Court for deprivation of rights under 42 U.S.C. § 1983. On the
24 defendants' motion to dismiss, U.S. Magistrate Judge Alicia Rosenberg
25 recommended that the claims for injunctive and declaratory relief be dismissed
26 based on *Younger* abstention, and that the claims for monetary relief be dismissed
based on Eleventh Amendment and quasi-judicial immunity. (*Id.*, Dkt. No. 45.)
U.S. District Judge Virginia Phillips adopted the report and recommendation and
granted the motion to dismiss. (*Id.*, Dkt. No. 48.)

Following entry of judgment in the matter, Mr. Dydzak filed a motion
requesting that Judges Phillips and Rosenberg be disqualified. The motion was
referred to Judge R. Gary Klausner, who issued an order denying the motion to

1 disqualify. (*Id.*, Dkt. No. 54.) Mr. Dydzak promptly moved to disqualify Judge
2 Klausner. In an eight-page order, Judge Margaret Morrow denied that motion.
3 (*Id.*, Dkt. No. 61.) Following a flurry of rejected motions by Mr. Dydzak,
4 including a motion for reconsideration, a motion to reopen his case, and an
5 additional motion to disqualify Judges Phillips and Rosenberg, Mr. Dydzak
6 moved to disqualify all of the judges in the U.S. District Court for the Central
7 District of California. (*Id.*, Dkt. No. 95.) That motion was referred to Judge
8 George Wu, who issued yet another thoroughly drafted order denying the motion.
9 (*Id.*, Dkt. No. 98.) Judge Wu also referred to Judge Morrow the issue of whether
10 to sanction Mr. Dydzak for his disregard of the prior-issued orders for
11 disqualification. Mr. Dydzak appealed the judgment in the matter to the Ninth
12 Circuit, which summarily affirmed. (*Id.*, Dkt. No. 107; CA 09-56325, Dkt. No. 12
13 (9th Cir. Nov. 18, 2009).)

14
15 On February 4, 2010, Mr. Dydzak submitted a new application to the court
16 to proceed *in forma pauperis*, along with a complaint naming the same defendants
17 named in *Dydzak I*, along with several additional individual defendants. *See*
18 *Dydzak v. Remke et al.*, C10-0828-UA-AGR (C.D. Cal. 2010). The proposed
19 complaint recycled the allegations from *Dydzak I*. Judge Audrey Collins denied
20 Mr. Dydzak's request to proceed *in forma pauperis* and rejected the complaint,
21 finding that it failed to state a claim, that *res judicata* barred claims that were the
22 same as those in *Dydzak I*, and that the claims for injunctive and declaratory relief
23 were barred by *Younger* abstention. (*Id.*, Dkt. No. 2.)

24
25 Ten days later, Mr. Dydzak initiated another lawsuit under 42 U.S.C. §
26 1983. *See Dydzak v. Remke, et al.*, C10-1297-AHM-AGR (C.D. Cal. 2010)
(*Dydzak II*). He named nearly all of the defendants from *Dydzak I*, along with
Judges Rosenberg, Phillips, Morrow, Klausner, Wu, and Collins. On Judge Percy
Anderson's order to show cause why the claims against the federal judges should
not be dismissed based on judicial immunity, Mr. Dydzak voluntarily dismissed
the claims against the judges, and Judge Anderson discharged the order. Judge
Gary Feece, the Case Management & Assignment Committee Chair for the
Central District, reassigned the case to Judge Phillips pursuant to General Order
08-05, which requires that when a case is closed and *an identical case is re-filed*,
it must be transferred to the originally assigned judge. (*Id.*, Dkt. No. 34.) As Judge
Phillips was a defendant in *Dydzak II*, she recused herself, and the matter was
again reassigned to Judge A. Howard Matz. Judge Matz denied Mr. Dydzak's
motion for a preliminary injunction, recounted Mr. Dydzak's multiple legal
challenges to his disbarment up to that point, and observed that the complaint in
the matter was "largely incoherent." (*Id.*, Dkt. No. 41.)

Mr. Dydzak appealed Judge Matz's order to the Ninth Circuit, but while
the appeal was pending, Judge Matz granted the State Bar defendants' motion to
dismiss. As in *Dydzak I* and the application rejected by Judge Collins, the court
held that the claims for declaratory and injunctive relief were barred by *Younger*

1 abstention and that the claims for monetary relief were barred by the Eleventh
2 Amendment. (*Id.*, Dkt. No. 51.) The Ninth Circuit denied Mr. Dydzak's
3 application to proceed *in forma pauperis* "because appellant has failed to show
4 that the appeal is not frivolous." (*Id.*, Dkt. Nos. 60, 62; CA 10-56000, Dkt. Nos. 5,
5 7 (9th Cir. 2011).)

6 Before the Ninth Circuit had rendered its order dismissing his appeal, Mr.
7 Dydzak had already filed his third lawsuit. *See Dydzak v. George, et al.*, C10-
8 5820-SVW (C.D. Cal. 2010) (*Dydzak III*). He again alleged deprivation of rights
9 under § 1983 and again named nearly all of the defendants from *Dydzak I* and *II*,
10 including the federal judge defendants from *Dydzak II*—Klausner, Morrow, Wu,
11 Phillips, Collins, and Rosenberg—despite the fact that Judge Anderson had
12 dismissed those claims *with prejudice*. (*See Dydzak II*, Dkt. No. 9.) This time, Mr.
13 Dydzak also sued the California Supreme Court and all seven of its justices
14 individually, along with Judges Matz and Feess. (*Dydzak III*, Dkt. No. 1.) He
15 repeated his allegations from *Dydzak I* and *II*, and larded his complaint with
16 additional allegations of bias, conspiracy, and duplicity against anyone even
17 peripherally involved in his state bar proceedings.

18 The State Bar of California immediately moved to dismiss the complaint,
19 and the United States moved to appear as *amicus curiae* regarding the issue of
20 judicial immunity. Notably, after Judge Stephen Wilson granted the United States
21 leave to appear, Mr. Dydzak voluntarily dismissed the claims against the federal
22 judges "without prejudice." (*Id.*, Dkt. No. 14.) On November 8, 2010, in an 18-
23 page order, Judge Wilson dismissed Mr. Dydzak's claims with prejudice because
24 (1) Mr. Dydzak was collaterally estopped from bringing his § 1983 claims against
25 the State Bar defendants; (2) the claims against the justices of the California
26 Supreme Court were barred by the doctrine of judicial immunity; and (3) the
Eleventh Amendment barred the claims against the remaining state entities. (*Id.*,
Dkt. No. 16.) Mr. Dydzak moved for reconsideration, which the court denied in
another thoroughly drafted order. (*Id.*, Dkt. No. 23.)

That did not end the matter for Mr. Dydzak. He again appealed the
dismissal of his complaint, and, as he had in *Dydzak I*, moved to disqualify Judge
Wilson and all judges and magistrate judges of the U.S. District Court for the
Central District of California. (*Id.*, Dkt. No. 28.) Ninth Circuit Chief Judge
Kozinski designated Robert Whaley, Senior U.S. District Judge for the Eastern
District of Washington, to adjudicate the motion to disqualify. Judge Whaley
denied the motion, noting that Mr. Dydzak's allegations were "based on
speculation and sources that have not been identified." (*Id.*, Dkt. No. 42.) The
Ninth Circuit again denied Mr. Dydzak's application to proceed *in forma pauperis*
because "the appeal is frivolous," and it ordered Mr. Dydzak to show cause why
the judgment should not be summarily affirmed. (*Id.*, Dkt. No. 40; CA 11-55143,
Dkt. No. 13 (9th Cir. April 20, 2011).) Following Mr. Dydzak's response to the
order to show cause, the Ninth Circuit summarily affirmed the district court on

1 July 7, 2011.

2 This brings us to the Complaint recently dismissed by this Court. (Dkt.
3 Nos. 1, 16.) For the fourth time in federal court, Mr. Dydzak alleged deprivation
4 of rights under § 1983, in a rehash of his previous three complaints. He sued the
5 California Supreme Court and its justices as individuals despite the prior
6 dismissal of those claims with prejudice. He sued Judges Klausner, Morrow,
7 Phillips, Collins, and Rosenberg despite the prior dismissal of those claims with
8 prejudice. For good measure, he sued nearly all other judges of the U.S. District
9 Court for the Central District of California, regardless of their involvement in his
10 prior matters. He also sued Judge Whaley for denying his motion to disqualify the
11 judges of the Central District in *Dydzak III*. The Court spelled out the various
12 fatal deficiencies in Mr. Dydzak's claims and again dismissed his Complaint, this
13 time *sua sponte*.

14 (Dkt. No. 19.)

15 Immediately following the dismissal of his claims, Mr. Dydzak pushed forward,
16 undeterred by yet another dismissal with prejudice. He filed numerous motions including, among
17 others, a motion for reconsideration (Dkt. No. 27), a motion to disqualify counsel for defendants,
18 (Dkt. No. 25), and expectedly, a motion to disqualify the undersigned. (Dkt. No. 23.) To
19 adjudicate the latter motion to disqualify, Ninth Circuit Chief Judge Kozinski designated Justin
20 L. Quackenbush, Senior U.S. District Judge for the Eastern District of Washington. Plaintiff then
21 challenged that designation in a motion for reconsideration directed to Chief Judge Kozinski.
22 (Dkt. No. 30.) In yet another thorough opinion disposing of Mr. Dydzak's attempt to disqualify
23 a judge who has dismissed his claims, Judge Quackenbush denied the motion to disqualify. (Dkt.
24 No. 33.) In doing so, Judge Quackenbush expressed concern that Mr. Dydzak may have sought
25 to delay or avoid an adverse decision by this Court given that the motion to disqualify was filed
26 shortly after this Court's order dismissing Plaintiff's claims. *Id.* at 10. Additionally, Judge
Quackenbush noted that "Plaintiff has requested the disqualification of a presiding judge at least
eight times under similar circumstances[.]" and explained that Plaintiff's actions appeared to
occur "as a matter of course" anytime he was faced with an adverse action. *Id.*

In addition to dismissing Plaintiff's claims with prejudice on March 2, 2012, this Court
ordered Mr. Dydzak to show cause as to why he should not be sanctioned for failure to comply

1 with Fed. R. Civ. P. 11(b). (Dkt. No. 16.) Thereafter, on March 7, 2012, this Court issued an
2 additional order in which Plaintiff was directed to show cause as to why he should not be
3 declared a vexatious litigant and barred from initiating future litigation related to his disbarment
4 without prior authorization. (Dkt. No. 19.)

5 Based on the record compiled from the above cases and the current matter, the Court
6 concludes that the record is adequate for review.

7 **C. Frivolous or Harassing Nature of Plaintiff's Actions**

8 Third, the district court is required to make findings as to the frivolous or harassing
9 nature of the litigant's actions. *See Molski*, 500 F.3d at 1059 (citing *De Long*, 912 F.2d at 1148).
10 In making this determination, the Court considers not just the number of filings, but the contents
11 thereof. *Id.* A pre-filing order cannot be based only upon a showing of litigiousness; rather, the
12 plaintiff's claims must be "patently without merit." *Id.* (quoting *Moy v. United States*, 906 F.2d
13 467, 470 (9th Cir. 1990)). In the instant case, the Court finds that there is sufficient basis to
14 conclude that Plaintiff's litigation relating to his 2008 disbarment has been abusive and frivolous.

15 As explained in this Court's prior orders to show cause and order dismissing Plaintiff's
16 complaint (Dkt. Nos. 16, 19), Mr. Dydzak has abused this Court's process by filing multiple
17 meritless lawsuits based on the same claims and consistently filing motions to disqualify any
18 judge who rules against him (as well as countless other judges with whom Plaintiff has had little
19 or no interaction). His claims have consistently lacked a credible factual foundation and, as
20 detailed in this Court's order of March 2, 2012, Plaintiff has displayed an utter disregard for the
21 applicable law and prior rulings of this Court and the Ninth Circuit. (*See* Dkt. No. 16.)

22 Specifically, Mr. Dydzak has initiated four lawsuits in federal court based on his
23 expanding visions of conspiracy regarding his 2008 disbarment. At each stage, Plaintiff's claims
24 have been dismissed; his second, third, and fourth complaints were dismissed *with prejudice*.
25 (*See Dydzak II*, Dkt. No. 9 (dismissing claims against federal judge defendants with prejudice
26 based on judicial immunity); *Dydzak II*, Dkt. No. 51 (dismissing remaining claims without leave

1 to amend on grounds of *Younger* abstention and the Eleventh Amendment); *Dydzak III*, Dkt. No.
2 16 (dismissing claims with prejudice based on collateral estoppel, judicial immunity, and the
3 Eleventh Amendment); Dkt. No. 16 (dismissing claims based on judicial immunity, *res judicata*,
4 and collateral estoppel); *see also Dydzak v. Remke et al.*, C10-0828-AGR (C.D. Cal. 2010)
5 (denying application to proceed *in forma pauperis* and rejecting complaint based on *res judicata*
6 and *Younger* abstention).) Yet, Mr. Dydzak has taken each dismissal in stride, using it as an
7 excuse to file countless motions to disqualify and to bring a new case based on allegations of the
8 same ever-expanding conspiracy against the same and additional defendants.

9 Additionally, Plaintiff has unsuccessfully appealed the dismissals in each of his three
10 prior cases. The first two appeals were, respectively, barred as untimely (*Dydzak I*, Dkt. No.
11 107)¹, and summarily dismissed for failure to respond to the Court's order (*Dydzak II*, Dkt. Nos.
12 60, 62, 63, 64). The dismissal of Mr. Dydzak's third complaint was summarily affirmed by the
13 Ninth Circuit on the grounds of collateral estoppel, judicial immunity, and the Eleventh
14 Amendment. (*Dydzak III*, Dkt. No. 44.) Further, in denying Mr. Dydzak's application to proceed
15 *in forma pauperis* in his second appeal, the Ninth Circuit explained that "appellant has failed to
16 show that the appeal is not frivolous[.]" and in his third appeal, the Court again noted that "the
17 appeal is frivolous." (*Dydzak II*, Dkt. Nos. 60, 62; *Dydzak III*, Dkt. No. 40.) The Court thus
18 stresses that it is not merely the volume of filings in Mr. Dydzak's litigation history that leads the
19 Court to find that his claims are frivolous. Rather, it is the fact that Mr. Dydzak's claims are
20 recycled from case to case and legally meritless, as demonstrated by the repeated dismissals on
21 the same few grounds.

22 In his responses, Mr. Dydzak fails to persuade this Court that his filings in this case and
23 in prior cases were not, in fact, "patently without merit." In large part, Plaintiff uses his
24

25
26 ¹ Mr. Dydzak attempted to appeal the dismissal in *Dydzak I*, but the Ninth Circuit limited the scope of the appeal to
the motions to disqualify Judges Phillips, Rosenberg, and Morrow, because Plaintiff did not timely appeal the
dismissal. (*Dydzak I*, Dkt. No. 107.) The denials of those motions to disqualify were summarily affirmed. *Id.*

1 responses as an opportunity to continue making allegations regarding the same overarching
2 conspiracy that has been the subject of his series of lawsuits. Nothing in Plaintiff's responses
3 warrants a finding that there was a basis in fact or law for Plaintiff to continue bringing such
4 claims, especially in light of the prior dismissals. The Court also notes that Mr. Dydzak
5 mischaracterizes the procedural history of his litigation in the Central District of California. To
6 cite a few examples, he argues that in his second lawsuit, Judge Anderson discharged an order to
7 show cause, thereby "showing there was merit to the lawsuit." (Dkt. No. 32, at 9.) As noted
8 above, however, Judge Anderson dismissed the claims at issue (against the federal judge
9 defendants) *with prejudice* after Plaintiff, in response to the Court's order to show cause as to
10 why those claims should not be dismissed based on judicial immunity, voluntarily dismissed
11 those defendants. (*See Dydzak II*, Dkt. No. 9.) As another example, Plaintiff describes the appeal
12 of his third lawsuit by stating that "[t]he Ninth Circuit did not hear the matter, because
13 DYDZAK has learnt that it never grants appeals in pro se civil rights cases." (Dkt. No. 32, at 9-
14 10.) The Ninth Circuit, however, noted that the appeal was frivolous, issued an order to show
15 cause to which Mr. Dydzak responded, and summarily affirmed the district court on the grounds
16 of collateral estoppel, judicial immunity, and the Eleventh Amendment. (*See Dydzak III*, Dkt.
17 Nos. 40, 44.) Such mischaracterizations exemplify Mr. Dydzak's disregard for the prior rulings
18 of this Court and the Ninth Circuit as he blindly presses forward with his litigation efforts.

19 Having considered Mr. Dydzak's filings in each of his prior cases and in the instant
20 matter, the Court finds that Plaintiff is not just litigious. Rather, Plaintiff's repeated attempts to
21 bring the same or similar claims against the same or similar defendants, and his continued
22 motions to disqualify, as described above, lead this Court to find that Mr. Dydzak's conduct has
23 become abusive and that his claims are frivolous.

24 **D. Narrowly Tailored Order**

25 The final factor under *De Long* requires that the pre-filing order must be "narrowly
26 tailored to the vexatious litigant's wrongful behavior." *Molski*, 500 F.3d at 1061. In *Molski*, the

1 Ninth Circuit held that the pre-filing order at issue was narrowly tailored where, rather than
2 barring the vexatious litigant from filing *any* claims, it instead required the litigant to seek
3 authorization before filing the same types of claims that had been filed vexatiously. 500 F.3d at
4 106. In light of Mr. Dydzak's conduct, the Court finds that the imposition of a pre-filing bar,
5 subject to the conditions stated below, is appropriately limited to Plaintiff's wrongful behavior in
6 accordance with *Molski* and *De Long*.

7 **II. CONCLUSION**

8 For the foregoing reasons, it is hereby ORDERED that:

- 9 (1) Plaintiff is declared a vexatious litigant under C.D. Cal. Local Rule 83-8.2 and this
10 Court's inherent authority;
11 (2) Plaintiff is PROHIBITED from initiating any further litigation in this or any other
12 federal court alleging deprivation of rights under 42 U.S.C. § 1983 or *Bivens* based on
13 his disbarment without the prior authorization from the presiding judge of the U.S.
14 District Court for the Central District of California; and
15 (3) Plaintiff is REQUIRED to provide security in the amount of \$5,000 for each
16 defendant against whom he seeks to proceed with Court authorization in the future.

17 Should Mr. Dydzak wish to file a complaint, he must submit a copy of his proposed
18 complaint, a letter requesting that the complaint be filed, and a copy of this Order, to the Clerk of
19 this Court. The Clerk shall then forward the letter, the complaint, and a copy of this Order to the
20 presiding Judge for a determination whether the complaint should be accepted for filing.

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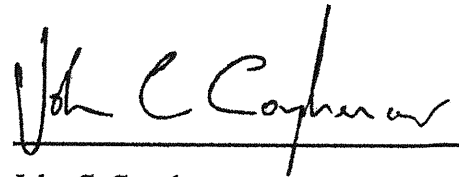
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1 DATED this 25th day of September 2012.
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A handwritten signature in black ink, appearing to read "John C. Coughenour", is written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE

1 Eric M. George
Ronald M. George
2 Alan I. Rothenberg
c/o 2121 Avenue of the Stars, Suite 3000
3 Los Angeles, California 90067
Telephone: (310) 274-7100
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E-Mail: egeorge@egcfirm.com
5

Defendants *in propria persona*
6 Eric M. George, Ronald M. George, and Alan I.
Rothenberg
7
8

9 UNITED STATES DISTRICT COURT
10 DISTRICT OF NEVADA
11

12 DANIEL DAVID DYDZAK,

13 Plaintiff,

14 vs.

15 TANI CANTIL-SAKAUYE, et al.,

16 Defendant.
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28

Case No. 2:22-cv-01008-APG-VCF

The Hon. Andrew P. Gordon

**REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF DEFENDANTS ERIC M.
GEORGE, RONALD M. GEORGE, AND
ALAN I. ROTHENBERG'S MOTION TO
DISMISS COMPLAINT**

Trial Date: None Set

1 **TO THE HONORABLE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF**
 2 **RECORD:**

3 Defendants Eric M. George, Ronald M. George, and Alan I. Rothenberg hereby request
 4 that the Court take judicial notice of the following documents in support of its concurrently filed
 5 Motion to Dismiss Plaintiff's Complaint:

6 1. Opinion on Review and Order In the Matter of Daniel David Dydzak dated
 7 December 3, 2009, Review Department of the State Bar Court, Nos. 04-O-14383; 06-O-10960. A
 8 true and correct copy is attached as **Exhibit A** to the Declaration of Eric M. George.

9 2. Order dated September 25, 2012, *Dydzak v. Cantil-Sakauye*, C.D. Cal. Case No.
 10 C11-5560-JCC, Dkt. No. 35. A true and correct copy is attached as **Exhibit B** to the Declaration
 11 of Eric M. George.

12 3. Prefiling Order—Vexatious Litigant dated April 5, 2013, *Dydzak v. Dunn*, Cal.
 13 Super. Ct. Case No. 30-2012-00558031. A true and correct copy is attached as **Exhibit C** to the
 14 Declaration of Eric M. George.

15 4. Complaint, *Dydzak v. George*, Case No. 10-cv-05820-SVW, Dkt. No. 1 (C.D. Cal.
 16 Aug. 5, 2010). A true and correct copy is attached as **Exhibit D** to the Declaration of Eric M.
 17 George.

18 5. California Supreme Court docket, Case No. S179850, entry dated September 11,
 19 2019. A true and correct copy is attached as **Exhibit E** to the Declaration of Eric M. George.

20 A court “must take judicial notice if a party requests it and the court is supplied with the
 21 necessary information.” Fed. R. Evid. 201(c)(2). Pursuant to Federal Rule of Evidence 201(b),
 22 courts may take judicial notice of adjudicative facts that are not subject to reasonable dispute
 23 because they “can be accurately and readily determined from sources whose accuracy cannot
 24 reasonably be questioned.” (Fed. R. Evid. 201(b)(2).)

25 “Courts may take judicial notice of some public records, including the ‘records and reports
 26 of administrative bodies.’” *United States v. Ritchie*, 342 F.3d 903, 908-09 (9th Cir. 2003) (quoting
 27 *Interstate Nat. Gas Co. v. S. Cal. Gas Co.*, 209 F.2d 380, 385 (9th Cir. 1953)). Courts may also
 28 take judicial notice of “court filings and other matters of public record.” *Reyn's Pasta Bella, LLC*

1 v. *Visa USA, Inc.*, 442 F.3d 741, 746, n.6 (9th Cir. 2006) (citing *Burbank-Glendale-Pasadena*
 2 *Airport Auth. v. City of Burbank*, 136 F.3d 1360, 1364 (9th Cir. 1998)). Documents are properly
 3 subject to judicial notice when they are readily verifiable. *Reyn's Pasta Bella*, 442 F.3d at 746 n.6
 4 (taking judicial notice of documents filed in a separate litigation in another court even though the
 5 documents were filed under seal).

6 Here, Defendants request that the Court take judicial notice of an order issued by the
 7 California State Bar Court, a court order in a federal California case, a court order in a California
 8 state court case, a complaint in a federal California case, and a copy of the official docket of a
 9 California Supreme Court case. All of these documents are matters of public record: one is a
 10 record from an administrative body, the State Bar Court of California, and the others are copies of
 11 court files, which are readily verifiable. Additionally, the documents are being presented to this
 12 Court in support of undisputed facts recited in Defendants' Motion. Therefore, it is proper for this
 13 court to take judicial notice of Exhibits A-E in adjudicating Defendants' Motion to Dismiss.

14 Based on the foregoing, Defendants Eric M. George, Ronald M. George, and Alan I.
 15 Rothenberg respectfully request that this Court take judicial notice of the documents attached as
 16 Exhibits A-E to the Declaration of Eric M. George.

17
 18 Date: July 1, 2022

19 Respectfully submitted,

20
 21 By



22 Eric M. George, *in propria persona*
 23 c/o 2121 Avenue of the Stars, Suite 3000
 24 Los Angeles, California 90067
 25 Tel. (310) 274-7100
 26
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 28

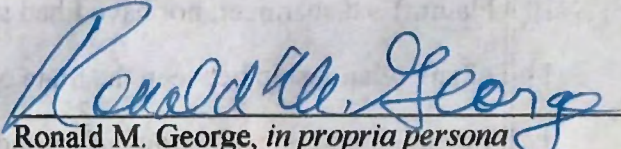
1 Date: July 1, 2022

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4 By /s/ Alan I. Rothenberg

5 Alan I. Rothenberg, *in propria persona*
6 c/o 2121 Avenue of the Stars, Suite 3000
7 Los Angeles, California 90067
8 Tel. (310) 274-7100

9 Date: July 1, 2022

10
11 By

12 
13 Ronald M. George, *in propria persona*
14 c/o 2121 Avenue of the Stars, Suite 3000
15 Los Angeles, California 90067
16 Tel. (310) 274-7100
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8 E-Mail: egeorge@egcfirm.com

9 Defendants *in propria persona*
10 Eric M. George, Ronald M. George, and Alan I.
11 Rothenberg

12 UNITED STATES DISTRICT COURT
13 DISTRICT OF NEVADA

14 DANIEL DAVID DYDZAK,

15 Plaintiff,

16 vs.

17 TANI CANTIL-SAKAUYE, et al.,

18 Defendant.

Case No. 2:22-cv-01008-APG-VCF

The Hon. Andrew P. Gordon

**DEFENDANTS ERIC GEORGE,
RONALD M. GEORGE, AND ALAN I.
ROTHENBERG'S NOTICE OF MOTION
AND MOTION TO DISMISS
COMPLAINT**


Trial Date: None Set

1 Defendants Eric M. George, Ronald M. George, and Alan I. Rothenberg hereby move for
2 the dismissal of the Complaint filed by Plaintiff Daniel David Dydzak on the basis of lack of
3 personal jurisdiction pursuant to Federal Rule of Civil Procedure 12(b)(2).

4 This Motion is based upon the following Memorandum of Points and Authorities; all
5 pleadings and papers on file in this action; the declarations of Eric George, Ronald George, and
6 Alan Rothenberg; the request for judicial notice and its attached exhibits; and such other matters
7 as may be presented to the court at the time of the hearing, including oral argument.

8
9
10 Date: July 1, 2022

11 Respectfully submitted,

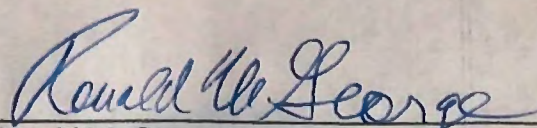
12
13 By 
14 Eric M. George, *in propria persona*
15 c/o 2121 Avenue of the Stars, Suite 3000
16 Los Angeles, California 90067
17 Tel. (310) 274-7100

18 Date: July 1, 2022

19
20 By /s/ Alan I. Rothenberg
21 Alan I. Rothenberg, *in propria persona*
22 c/o 2121 Avenue of the Stars, Suite 3000
23 Los Angeles, California 90067
24 Tel. (310) 274-7100
25
26
27
28

1 Date: July 1, 2022

2
3
4 By



Ronald M. George, *in propria persona*
c/o 2121 Avenue of the Stars, Suite 3000
Los Angeles, California 90067
Tel. (310) 274-7100

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

This lawsuit is the latest iteration of a decade-long effort by Plaintiff, a former attorney, to challenge his disbarment in the State of California. This newest Complaint is once again brought against a host of current and former judges in California’s state and federal courts, as well as several California attorneys. The main difference between this Complaint and Plaintiff’s previous unsuccessful efforts to overturn his disbarment is that Plaintiff brings this action in the State of Nevada rather than in California.¹ As is clear from the few facts alleged in Plaintiff’s Complaint, the conduct forming the basis for his claims took place wholly within California: Plaintiff alleges that defendants engaged in various forms of malfeasance related to his disbarment proceedings in California Supreme Court Case No. S179850. Furthermore, Plaintiff and almost all of the defendants reside or operate in California; only one of the 26 defendants named is alleged to reside in Nevada.²

Plaintiff brings this suit in Nevada—based on a single, attenuated connection one of the defendants allegedly has to the State of Nevada—because he is prohibited from making any further attempts to litigate this matter in California. Plaintiff’s ongoing efforts to re-litigate his disbarment, and his conduct throughout the many proceedings, resulted in his being declared a vexatious litigant by both California state and federal courts. Thus, it appears that the instant lawsuit is Plaintiff’s attempt to circumvent the orders of the California courts by re-litigating his disbarment in a different forum.

¹ Plaintiff’s Complaint was initially filed in the Eighth Judicial District Court of the State of Nevada. The case was then removed to this United States District Court for the District of Nevada on July 24, 2022.

² Two of the defendants, Chief Justice of the California Supreme Court Tani Cantil-Sakauye and Clerk of the California Supreme Court Jorge Navarrete, were dismissed from this case on June 3, 2022. (*See* Eighth Judicial District Court Order Granting Defs.’ Mot. to Dismiss dated June 3, 2022, Dkt. No. 11). The dismissal was based, in part, on a lack of personal jurisdiction given that they are California residents and that Plaintiff failed to allege any other connection between these defendants and the State of Nevada. (*Id.* at 7-9.) A Notice of Appeal of the Order granting their dismissal was filed on June 8, 2022 (Dkt. No. 13.)

1 It is clear that this Court lacks jurisdiction over Defendants Eric M. George, Ronald M.
 2 George, and Alan I. Rothenberg. Accordingly, Defendants move under Federal Rule of Civil
 3 Procedure 12(b)(2) to dismiss Plaintiff's Complaint.

4 **II. STATEMENT OF FACTS**

5 **A. THE PARTIES**

6 Plaintiff is a former California attorney who was disbarred in 2008. (*See* Request For
 7 Judicial Notice (RJN), Exhibit A, Opinion on Review and Order In the Matter of Daniel David
 8 Dydzak dated December 3, 2009, Review Department of the State Bar Court, Nos. 04-O-14383;
 9 06-O-10960.) In the ensuing years Plaintiff filed four lawsuits in federal court contesting his
 10 disbarment. (RJN, Exhibit B, Order dated September 25, 2012, *Dydzak v. Cantil-Sakauye*, C.D.
 11 Cal. Case No. C11-5560-JCC, Dkt. No. 35 at 3-7.) Despite having his claims repeatedly
 12 dismissed with prejudice, Plaintiff continued to refile his claims against many of the same
 13 defendants, including numerous federal judges and all of the justices of the California Supreme
 14 Court. (*Id.* at 5.) The United States District Court for the Central District of California eventually
 15 determined that Plaintiff had “abused [the] Court’s process by filing multiple meritless lawsuits
 16 based on the same claims and consistently filing motions to disqualify any judge who rules against
 17 him (as well as countless other judges with whom Plaintiff has had little or no interaction).” (*Id.*
 18 at 7.) The court declared Plaintiff a vexatious litigant, prohibiting him from filing in federal court
 19 any complaint alleging deprivation of rights under 42 U.S.C. § 1983 or *Bivens v. Six Unnamed*
 20 *Agents*, 403 U.S. 388 (1971) related to his disbarment without prior authorization from the
 21 presiding judge. (*Id.* at 10.)

22 The following year, Plaintiff was similarly declared a vexatious litigant by order of the
 23 California Superior Court. (RJN, Exhibit C, Prefiling Order—Vexatious Litigant, *Dydzak v.*
 24 *Dunn*, Cal. Super. Ct. Case No. 30-2012-00558031, at 1.) The California court prohibited Plaintiff
 25 “from filing any new litigation in the courts of California without approval of the presiding judge
 26 of the court in which the action is to be filed.” (*Id.*)

27 Defendants in this action are current and former judges in California state and district
 28 courts and the United States Court of Appeals for the Ninth Circuit, current and former attorneys,

1 and a bank and its holding company. (Compl. ¶¶ 2-25). Defendant Eric M. George is an attorney
 2 at a Los Angeles-based law firm; Defendant Ronald M. George is a former Chief Justice of the
 3 California Supreme Court; and Defendant Alan I. Rothenberg is an attorney and Chairman of
 4 Defendant 1st Century Bank (collectively “Attorney Defendants”).

5 **B. PLAINTIFF’S ALLEGATIONS**

6 **1. Conspiracy Allegations**

7 The third cause of action in Plaintiff’s Complaint is the only claim brought as to the
 8 Attorney Defendants. Plaintiff alleges that they engaged in a conspiracy to unlawfully interfere
 9 with the processes of the court, stating that the Attorney Defendants had “improper, unethical and
 10 illegal ex parte, extra-judicial communications and contacts” with the Honorable Tani G. Cantil-
 11 Sakauye, current Chief Justice of the California Supreme Court, and Jorge Navarrete, the
 12 Clerk/Executive Officer of the California Supreme Court—both of whom were also defendants in
 13 this action. (Compl. ¶¶ 39-40.) Plaintiff contends that these contacts were intended to affect the
 14 outcome of his disbarment challenge, as part of a conspiracy to obstruct justice. (*Id.* ¶ 39.)
 15 Plaintiff claims that he suffered damages as a result of Defendants’ alleged actions, and that
 16 because the acts “were also done with malice, fraud and oppression” he is entitled to an award of
 17 punitive damages against each Defendant in the amount of \$10,000,000 jointly and severally. (*Id.*
 18 ¶ 40.)

19 **2. Jurisdictional Allegations**

20 In his Complaint, Plaintiff states that he resides in the County of Los Angeles, California.
 21 (Compl. ¶ 1.) He alleges that Defendant Eric M. George is a resident of the County of Los
 22 Angeles, California (*id.* ¶ 12), that Defendant Ronald M. George is a resident of the County of San
 23 Francisco, California (*id.* ¶ 11), and that Defendant Alan I. Rothenberg is a resident of the County
 24 of Los Angeles, California (*id.* ¶ 13).

25 Plaintiff’s only mention of the State of Nevada in his Complaint is his allegation that
 26 Defendant and Ninth Circuit Judge Johnnie B. Rawlinson resides in the City of Las Vegas, “State
 27 of California [sic].” (*Id.* ¶ 7.) There are no allegations that any activity that forms the basis for the
 28 lawsuit took place in Nevada, nor that Defendants Eric M. George, Ronald M. George, or Alan I.

1 Rothenberg reside in Nevada or have any connection at all with the state.

2 Plaintiff filed this action on February 3, 2022, in Nevada state court. On June 22, 2022,
3 the Attorney Defendants filed a Motion to Dismiss Plaintiff's Complaint in that court. On June
4 24, 2022, several defendants removed the case to this Court based on the federal officer removal
5 statute, 28 U.S.C. § 1442. The Attorney Defendants' Motion in the state court was subsequently
6 denied without prejudice upon removal. *See* Minute Order at 2, ECF No. 3. Thus, the Attorney
7 Defendants hereby refile their Motion in federal court in accordance with Local Rule 81-1 and this
8 Court's Minute Order dated June 27, 2022.

9 **IV. LEGAL STANDARDS**

10 Pursuant to Federal Rule of Civil Procedure 12(b)(2), a motion to dismiss should be
11 granted where the Court lacks personal jurisdiction over the defendant. A court's personal
12 jurisdiction over a defendant, its power to "rend[er] a judgment personally binding him," is based
13 on its "de facto power over the defendant's person." *Int'l Shoe Co. v. State of Wash.*, 326 U.S.
14 310, 316 (1945). This power comes either from a defendant's presence within the territory of the
15 forum or certain minimum contacts he has with it. *Id.* (internal citations omitted). Absent such
16 "contacts, ties, or relations" to a state, the Due Process Clause does not permit the courts of that
17 state to issue a binding judgment against a defendant. *Perkins v. Benguet Consol. Min. Co.*, 342
18 U.S. 437, 447 (1952).

19 "In opposing a defendant's motion to dismiss for lack of personal jurisdiction, the plaintiff
20 bears the burden of establishing that jurisdiction is proper." *Mavrix Photo, Inc. v. Brand*
21 *Technologies, Inc.*, 647 F.3d 1218, 1223 (9th Cir. 2011). Where the motion is based on written
22 materials rather than an evidentiary hearing, the plaintiff must make at least a prima facie showing
23 of jurisdictional facts. *Id.* The court "may not assume the truth of allegations in a pleading which
24 are contradicted by affidavit." *Id.*

25 **V. ARGUMENT**

26 **A. Plaintiff is a Vexatious Litigant Seeking a New Forum to Re-open His Claims**

27 A passing glance at even the caption of Plaintiff's Complaint reveals that this is nothing
28 more than a frivolous lawsuit intended to harass prominent lawyers and judges in California. The

1 defendants include the current and former Chief Justices of the California Supreme Court, ten
 2 current and senior judges of the United States Court of Appeals for the Ninth Circuit, an Associate
 3 Justice of the California Court of Appeal, and former judges of the United States District Court for
 4 the Northern and Central Districts of California.

5 Plaintiff has brought lawsuits against swaths of the legal community over the last ten years,
 6 alleging that judges, investigators, lawyers, and clerks were variously involved in a conspiracy
 7 surrounding his disbarment. Indeed, Plaintiff has named Defendant Ronald M. George in multiple
 8 other lawsuits involving allegations related to his disbarment. *See* RJN, Ex. D, Complaint, *Dydzak*
 9 *v. George*, Case No. 10-cv-05820-SVW, ECF No. 1 (C.D. Cal. Aug. 5, 2010); *Dydzak v.*
 10 *Alexander*, Case No. 2:16-cv-02915-ODW, 2016 WL 3094753 (C.D. Cal. June 1, 2016);³ *Dydzak*
 11 *v. Schwab*, Case No. 16-cv-04799-YGR, 2016 WL 10647201 (N.D. Cal. Nov. 30, 2016); *Dydzak*
 12 *v. United States*, Case No. 17-cv-04360-EMC, 2017 WL 4922450 (N.D. Cal. Oct. 31, 2017). In
 13 the most recent of the aforementioned lawsuits, Plaintiff accused Defendants Eric M. George,
 14 Ronald M. George, and Alan I. Rothenberg of unlawfully intercepting his telephonic
 15 communications and improperly paying to influence local judges and attorneys against him.
 16 These claims were disposed of with prejudice. *Dydzak v. United States*, 2017 WL 4922450, at *9-
 17 12. Despite this disposition, Plaintiff brings the instant lawsuit against these same three
 18 defendants, once again alleging they engaged in “improper,” “illegal” *ex parte* and extrajudicial
 19 communications as part of a conspiracy against him. (Compl. ¶ 39.)

20 As a result of his prior frivolous and harassing filings relating to his disbarment, Plaintiff
 21 has been deemed a vexatious litigant in the California courts. He is prohibited from filing in the
 22 Central District of California any complaint alleging deprivation of rights under 42 U.S.C. § 1983
 23 or *Bivens v. Six Unnamed Agents*, 403 U.S. 388 (1971) as it relates to his disbarment without prior
 24 authorization from the presiding judge. (RJN, Ex. B at 10.) This restriction was imposed on
 25 Plaintiff after he filed four federal lawsuits “replete with frivolous allegations, motions, and
 26

27 ³ Defendants are referenced in the *Dydzak v. Alexander* case, although they are not formally
 28 named as defendants in that complaint.

1 appeals” and which named as defendants “virtually every sitting judge in the Central District of
2 California.” *Dydzak v. Alexander*, 2016 WL 3094753, at *2 n. 3.

3 Plaintiff is also prohibited from filing “any new litigation in the courts of California
4 without approval of the presiding judge of the court in which the action is to be filed.” (RJN,
5 Exhibit C, at 1.) The California Supreme Court has underscored this decision by confirming that
6 it will “no longer consider challenges to [Plaintiff’s] disbarment.” (RJN, Exhibit E, California
7 Supreme Court docket, Case No. S179850, entry dated September 11, 2019.)

8 Thus, it is clear that Plaintiff long ago exhausted his opportunities to challenge his
9 disbarment, has repeatedly attempted to relitigate that challenge in California, and now, having
10 been barred from doing so, is looking to start again in Nevada.

11 **B. Personal Jurisdiction Does Not Exist as to Any Defendant**

12 Plaintiff cannot establish personal jurisdiction over Defendants Eric M. George, Ronald M.
13 George, or Alan I. Rothenberg. “Federal courts ordinarily follow state law in determining the
14 bounds of their jurisdiction over persons.” *Daimler AG v. Bauman*, 571 U.S. 117, 125 (2014).
15 Personal jurisdiction over a defendant in federal court is considered proper “if it is permitted by a
16 long-arm statute and if the exercise of that jurisdiction does not violate federal due process.”
17 *Pebble Beach Co. v. Caddy*, 453 F.3d 1151, 1154-55 (9th Cir. 2006). Under Nevada’s long-arm
18 statute, its courts may exercise personal jurisdiction over out-of-state defendants if consistent with
19 “the Constitution of the United States.” (Nev. Rev. Stat. § 14.065.) Thus, in order to determine
20 whether Nevada may exercise jurisdiction over the Attorney Defendants, the court must determine
21 whether the exercise of such jurisdiction “comports with the limits imposed by federal due
22 process” on the State of Nevada. *Walden v. Fiore*, 571 U.S. 277, 283 (2014) (quoting *Daimler*,
23 571 U.S. at 125). Due process requires, if a Defendant is outside the forum state, that “he have
24 certain minimum contacts with [the forum state] such that the maintenance of the suit does not
25 offend ‘traditional notions of fair play and substantial justice.’” *Int’l Shoe Co.*, 326 U.S. at 316
26 (quoting *Milliken v. Meyer*, 311 U.S. 457, 463 (1940)).

27 In determining whether exercising personal jurisdiction over a defendant offends due
28 process, courts examine whether general or specific jurisdiction exists under the circumstances.

1 *Helicopteros Nacionales de Colombia, S.A. v. Hall*, 466 U.S. 408, 414-16 (1984). Here, neither is
 2 applicable because Plaintiff has not and cannot show that Defendants reside in Nevada or have
 3 sufficient (or any) contacts there, nor that any of the activity forming the basis of his claims took
 4 place in Nevada. Therefore, Plaintiff's Complaint should be dismissed as to Defendants Eric M.
 5 George, Ronald M. George, and Alan I. Rothenberg for want of personal jurisdiction.

6 **i. General Jurisdiction Over Defendants is Improper in this Court**

7 In order for this Court to exercise general personal jurisdiction over a defendant, the
 8 defendant must be domiciled in Nevada. *Goodyear Dunlop Tires Operations, S.A. v. Brown*, 564
 9 U.S. 915, 924 (2011). If a defendant is not domiciled in Nevada, general personal jurisdiction
 10 may also be appropriate where a defendant's contacts with the forum are so "continuous and
 11 systematic" that the exercise of jurisdiction over him could be considered "reasonable and just."
 12 *Helicopteros Nacionales de Colombia, S.A. v. Hall*, 466 U.S. 408, 415-16 (1984) (citing *Perkins v.*
 13 *Benguet Consol. Mining Co.*, 342 U.S. 437, 438, 445 (1952)). "To determine whether a
 14 nonresident defendant's contacts are sufficiently substantial, continuous, and systematic, [the
 15 Ninth Circuit] consider[s] their '[l]ongevity, continuity, volume, economic impact, physical
 16 presence, and integration into the state's regulatory or economic markets.'" *CollegeSource, Inc. v.*
 17 *AcademyOne, Inc.*, 653 F.3d 1066, 1074 (9th Cir. 2011) (quoting *Tuazon v. R.J. Reynolds Tobacco*
 18 *Co.*, 433 F.3d 1163, 1172 (9th Cir. 2006)). "The standard for general jurisdiction 'is an exacting
 19 standard, as it should be, because a finding of general jurisdiction permits a defendant to be haled
 20 into court in the forum state to answer for any of its activities anywhere in the world.'" *CollegeSource*, 653 F.3d at 1074 (internal citations omitted).

22 There is no evidence or even any allegations to support general jurisdiction in Nevada.
 23 The Attorney Defendants all reside in California, have never resided in Nevada, and conduct no
 24 substantial business at all in Nevada. (See Declaration of Eric M. George in Support of
 25 Defendants' Motion to Dismiss Complaint ("E. George Decl.") ¶ 2; Declaration of Ronald M.
 26 George in Support of Defendants' Motion to Dismiss Complaint ("R. George Decl.") ¶ 2;
 27 Declaration of Alan I. Rothenberg in Support of Defendants' Motion to Dismiss Complaint
 28 ("Rothenberg Decl.") ¶ 2, all filed concurrently herewith.) Plaintiff's Complaint likewise

1 confirms that general jurisdiction does not exist. Plaintiff himself alleges that Eric M. George,
 2 Ronald M. George, and Alan I. Rothenberg are residents of the State of California. (Compl. at ¶¶
 3 11-13). The Complaint makes no mention of these defendants residing in Nevada or having any
 4 other contact in Nevada, let alone “substantial” or “continuous and systematic” contacts.
 5 Additionally, the alleged conduct that forms the basis of Plaintiff’s claims against Defendants took
 6 place in California; his allegations concern a California Supreme Court decision affirming the
 7 California State Bar’s decision to withdraw Plaintiff’s license to practice law in California.
 8 (Compl. at ¶ 39.) The only alleged connection that any defendant or this lawsuit has with the State
 9 of Nevada is Plaintiff’s assertion that another of the defendants, Judge Johnnie Rawlinson, resides
 10 there. (Compl. ¶ 7.) This single allegation is insufficient to establish personal jurisdiction over
 11 Defendants Eric M. George, Ronald M. George, and Alan I. Rothenberg. Thus, general personal
 12 jurisdiction over these Defendants has not been established and dismissal is proper under Federal
 13 Rule of Civil Procedure 12(b)(2).

14 **ii. Specific Jurisdiction Over Defendants is Also Improper in this Court**

15 Plaintiff likewise cannot establish specific jurisdiction over any of the Defendants.
 16 Specific jurisdiction is appropriate where, although “the defendant’s activities are not so pervasive
 17 as to subject him to general jurisdiction . . . the nature and quality of the defendant’s contacts [with
 18 the forum state] in relation to the cause of action” make the court’s exercise of jurisdiction fair.
 19 *Data Disc, Inc. v. Sys. Tech. Associates, Inc.*, 557 F.2d 1280, 1287 (9th Cir. 1977).

20 The test for whether personal jurisdiction is proper over an out-of-state defendant based
 21 upon his contacts with the forum state is as follows:

- 22 (1) [t]he nonresident defendant must do some act or consummate some
 23 transaction with the forum or perform some act by which he purposefully
 24 avails himself of the privilege of conducting activities in the forum, thereby
 25 invoking the benefits and protections of its laws. (2) the claim must be one
 which arises out of or results from the defendant’s forum-related activities.
 (3) Exercise of jurisdiction must be reasonable.

26 *Data Disc*, 557 F.2d at 1287 (citing *Amba Mktg. Sys., Inc. v. Jobar Int’l, Inc.*, 551 F.2d 784, 789
 27 (9th Cir. 1977)). “If any of the three requirements is not satisfied, jurisdiction in the forum would
 28

1 deprive the defendant of due process of law.” *Omeluk v. Langsten Slip & Batbyggeri A/S*, 52 F.3d
 2 267, 270 (9th Cir. 1995).

3 There are likewise no facts or evidence to establish specific jurisdiction for any of the
 4 Attorney Defendants. First, there is no evidence or even any allegations of any of them
 5 purposefully availing themselves of the forum state; in fact, Plaintiff’s complaint makes no
 6 mention of any activity by any of these defendants that is associated with the State of Nevada at
 7 all. (Compl. ¶¶ 38-40; E. George Decl. ¶ 2; R. George Decl. ¶ 2; Rothenberg Decl. ¶ 2.) Second,
 8 the cause of action (conspiracy to unlawfully interfere with the processes of the court) did not arise
 9 from the Attorney Defendants’ activities in Nevada. Rather, it arose from their alleged activity
 10 surrounding a California Supreme Court case, which itself concerned a California State Bar
 11 decision recommending the withdrawal Plaintiff’s license to practice law in California. The
 12 communications that make up the alleged conspiracy are between California-based Defendants
 13 and the Chief Justice and Clerk of the California Supreme Court. Plaintiff makes no other
 14 allegations that this cause of action arose from any activities in the forum state. Finally, because
 15 there exist no allegations of activities in the forum state, and Plaintiff’s claim does not arise from
 16 forum-related activities, it follows that the exercise of jurisdiction over the Attorney Defendants in
 17 Nevada would not be reasonable.

18 Thus, Plaintiff has clearly failed to meet any element of the test for specific jurisdiction. It
 19 remains that the only allegation in his Complaint related to the State of Nevada is that Judge
 20 Rawlinson resides there. But as the U.S. Supreme Court has made clear, “considering the
 21 ‘defending parties’ together and aggregating their forum contacts in determining whether [a court]
 22 had jurisdiction” is “plainly unconstitutional” because the requirements of *International Shoe* must
 23 be met as to each defendant. *Rush v. Savchuk*, 444 U.S. 320, 331-32 (1980) (holding that
 24 Minnesota could not exercise jurisdiction over a defendant who had no ties to the state merely
 25 because the insurer responsible for defending him did business in that state). To that end, the
 26 Nevada state court has already determined that Judge Rawlinson’s alleged connection to Nevada
 27 does not itself establish personal jurisdiction over the other defendants in this matter. (See Eighth
 28 Judicial District Court of Nevada Order Granting Defendants Chief Justice Cantil-Sakauye and

1 Jorge Navarrete's Motion to Dismiss dated June 2, 2022 at 8-9, ECF No. 1-3.) Accordingly, there
2 is no basis for specific jurisdiction over Defendants Eric M. George, Ronald M. George, and Alan
3 I. Rothenberg and the claims against them should be dismissed.


4 **VI. CONCLUSION**

5 It is clear based on the content of Plaintiff's Complaint, and his status as a vexatious
6 litigant in California courts, that Plaintiff is merely seeking another forum in which to continue
7 bringing frivolous and harassing claims regarding his disbarment. Plaintiff has failed to meet his
8 burden of making a prima facie showing that this Court can exercise personal jurisdiction over
9 Defendants Eric M. George, Ronald M. George, and Alan I. Rothenberg. Therefore, in
10 accordance with the foregoing, Defendants respectfully request that the Court dismiss them from
11 the action due to want of jurisdiction pursuant to Federal Rule of Civil Procedure 12(b)(2).

12
13 Date: July 1, 2022

14 Respectfully submitted,

15
16 By


Eric M. George, *in propria persona*
c/o 2121 Avenue of the Stars, Suite 3000
Los Angeles, California 90067
Tel. (310) 274-7100

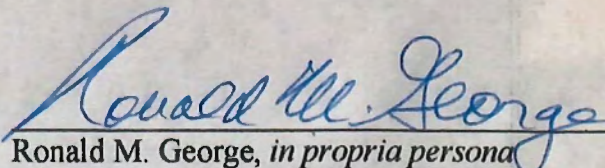
17
18
19
20 Date: July 1, 2022

21
22 By

/s/ Alan I. Rothenberg
Alan I. Rothenberg, *in propria persona*
c/o 2121 Avenue of the Stars, Suite 3000
Los Angeles, California 90067
Tel. (310) 274-7100

1 Date: July 1, 2022

2
3
4 By



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5

Defendants *in propria persona*
6 Eric M. George, Ronald M. George, and Alan I.
Rothenberg
7

8
9 UNITED STATES DISTRICT COURT
10 DISTRICT OF NEVADA

11 DANIEL DAVID DYDZAK,
12
Plaintiff,
13
vs.
14 TANI CANTIL-SAKAUYE, et al.,
15
Defendant.
16

Case No. 2:22-cv-01008-APG-VCF

The Hon. Andrew P. Gordon

**DECLARATION OF ERIC M. GEORGE
IN SUPPORT OF DEFENDANTS ERIC M.
GEORGE, RONALD M. GEORGE, AND
ALAN I ROTHENBERG'S MOTION TO
DISMISS COMPLAINT**

Trial Date: None Set

DECLARATION OF ERIC M. GEORGE

I, Eric M. George, declare and state as follows:

1. I am an attorney at law admitted to practice in the State of California. I am representing myself *in propria persona* in this action. I have firsthand, personal knowledge of the facts set forth below and if called as a witness could competently testify thereto.

2. I reside in the County of Los Angeles, California. I do not maintain a residence in the State of Nevada, and I have never lived in the State of Nevada. I am not, nor have I ever been, licensed to practice law in the State of Nevada. I do not conduct any substantial business in the State of Nevada. I did not have substantial contact with the State of Nevada at the time of Plaintiff's disbarment, nor have I had such contacts in the intervening years since. I am unaware of any relationship between the State of Nevada and the facts underlying this lawsuit (with the exception that one of the defendant-judges named in this lawsuit allegedly resides in Nevada). This lawsuit does not arise from any conduct or contact, personal or professional, that I have ever had with the State of Nevada.

3. Attached hereto as **Exhibit A** is a true and correct copy of the Opinion on Review and Order In the Matter of Daniel David Dydzak dated December 3, 2009, Review Department of the State Bar Court, Nos. 04-O-14383; 06-O-10960.

4. Attached hereto as **Exhibit B** is a true and correct copy of the Order dated September 25, 2012 in the matter of *Dydzak v. Cantil-Sakauye*, C.D. Cal. Case No. C11-5560-JCC, Dkt. No. 35.

5. Attached hereto as **Exhibit C** is a true and correct copy of the Prefiling Order—Vexatious Litigant dated April 5, 2013 in the matter of *Dydzak v. Dunn*, Cal. Super. Ct. Case No. 30-2012-00558031.

6. Attached hereto as **Exhibit D** is a true and correct copy of the Complaint in the matter of *Dydzak v. George*, Case No. 10-cv-05820-SVW, Dkt. No. 1 (C.D. Cal. Aug. 5, 2010).

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///

1 7. Attached hereto as **Exhibit E** is a true and correct copy of the docket for California
2 Supreme Court Case No. S179850.

3 Executed this 1st day of July 2022, at Los Angeles, California.

4 I declare under penalty of perjury under the laws of the United States of America that the
5 foregoing is true and correct.

6 

7
8 Eric M. George

Exhibit A

Opinion on Review and Order In the
Matter of Daniel David Dydzak dated
December 3, 2009, Review Department
of the State Bar Court, Nos. 04-O-14383;
06-O-10960

PUBLIC MATTER – NOT DESIGNATED FOR PUBLICATION

Filed December 3, 2009

REVIEW DEPARTMENT OF THE STATE BAR COURT

In the Matter of)	Nos. 04-O-14383; 06-O-10960
)	
DANIEL DAVID DYDZAK,)	OPINION ON REVIEW
)	AND ORDER
A Member of the State Bar.)	
_____)	

BY THE COURT:¹

This is Daniel David Dydzak’s fifth disciplinary proceeding in less than 10 years. In 1998, he was suspended for 30 days for wide-ranging misconduct in five client matters, including failure to: promptly pay client funds, maintain client trust account funds, communicate with a client, return client files, return unearned fees, and cooperate with the State Bar investigation. He received a private reproof in 2002 when he neglected to report \$3,500 in sanctions for filing a frivolous appeal. Also in 2002, Dydzak was publicly reproofed for failure to show respect for the court by making a scurrilous remark about a judge while leaving the courtroom. In 2004, he received a one-year stayed suspension and two years’ probation for engaging in the unauthorized practice of law (UPL) while on suspension from his first discipline.

In this proceeding, the hearing judge recommended disbarment after finding Dydzak culpable of serious professional misconduct in four separate matters. Dydzak is appealing, asserting a plethora of procedural, substantive and constitutional issues.²

¹ Before Remke, P. J., Epstein, J. and Purcell, J.

² Dydzak filed no less than 21 pleadings in the Hearing Department, the Review Department and the Supreme Court, all of which were denied. Those pleadings raised the same

Dydzak's latest misconduct reflects a lack of understanding of his professional responsibilities, even after prior disciplines should have motivated him to reflect upon, and conform to, the ethical parameters of the legal profession. Upon our de novo review (*In re Morse* (1995) 11 Cal.4th 184, 207), we find clear and convincing evidence supporting the hearing judge's culpability findings, as well as additional culpability and aggravation. We conclude that Dydzak should be disbarred because additional discipline will not adequately protect the public.

I. PROCEDURAL HISTORY

Dydzak was admitted to the practice of law in California on December 17, 1985, and he has been a member of the State Bar of California since then. On August 11, 2006, the Office of the Chief Trial Counsel of the State Bar of California (State Bar) filed a notice of disciplinary charges (NDC) in case numbers 04-O-14383, 05-O-00017 and 05-O-02000. On December 27, 2006, it filed another NDC in case number 06-O-10960. The matters were consolidated, and Dydzak was charged with a combined total of 11 counts of misconduct. The case was tried on July 24-25, 2007, and submitted on October 25, 2007. The decision was filed on August 5, 2008.³

procedural and constitutional issues that he resurrects in this plenary appeal. Any issues not specifically addressed here have been considered and rejected as moot or without factual and/or legal basis.

³ Rule 220(b) of the Rules of Procedure of the State Bar of California specifies that the decision should be filed within 90 days of submission, but the rule "is neither mandatory nor jurisdictional, but directory." (*In the Matter of Petilla* (Review Dept. 2001) 4 Cal. State Bar Ct. Rptr. 231, 246.) Nevertheless, adherence to the rule is important because it serves the dual purpose of public protection when a respondent is culpable of misconduct and prompt vindication of a respondent's professional reputation when no culpability is found.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

A. CASE NUMBER 04-O-14383

1. LaFlamme Matter

Thomas LaFlamme hired Dydzak to substitute as his attorney of record in a civil lawsuit that LaFlamme had filed in the Los Angeles County Superior Court. After Dydzak presented LaFlamme's case, the court granted the defendant's motion for a non-suit as to all causes of action. On September 23, 2003, the Superior Court judge signed and filed an order directing that judgment be entered in favor of the defendant.

On November 20, 2003, Dydzak filed a notice of appeal with an incomplete Case Information Statement (CIS) in the Court of Appeal. On January 4, 2004, the Court of Appeal returned the CIS to Dydzak because he failed to attach a copy of the Superior Court's order, and instructed him to file a corrected CIS by February 18, 2004. Dydzak then filed three separate applications for extensions of time. In its order granting Dydzak's third request for additional time, the Court of Appeal again directed him to file a completed "Case Information Sheet, with the appealable order" no later than May 6, 2004.

Instead of timely filing the completed CIS as ordered by the Court of Appeal, Dydzak filed a pleading on May 13, 2004, entitled "Plaintiff's/Appellant's Notice of Abandoning Appeal Without Prejudice to Refile New Notice of Appeal Once Judgment is Entered."⁴ He then waited six more months to file a motion for entry of judgment in the Superior Court.⁵ Before Dydzak

⁴ Dydzak claims that during the entire time he was attempting to perfect LaFlamme's appeal, he was unaware that the Superior Court had filed its order directing entry of judgment on September 23, 2003. When asked why he did not simply go to the Superior Court to ascertain if the order had been filed or to obtain an endorsed-filed copy of the final order to attach to the CIS, he stated: "Well, I don't believe . . . that I am required to have such a heavy burden to visit the court file."

⁵ It appears that the clerk of the court did not officially enter the judgment in the records until December 8, 2004, after Dydzak filed the motion for entry of judgment.

had time to file a second notice of appeal, LaFlamme terminated him on December 30, 2004. At that point, the filing of LaFlamme's appeal had been delayed for more than a year.

Count 1 – Failure to Perform Competently (Rules Prof. Conduct, rule 3-110(A))⁶

Rule 3-110(A) provides that an attorney must “not intentionally, recklessly, or repeatedly fail to perform legal services with competence.” Despite numerous orders of the Court of Appeal requiring him to file a completed CIS “with the appealable order,” Dydzak made no effort to do so within the time specified by the Court of Appeal. His failure to perfect his client's appeal, which languished for more than a year, clearly constitutes a failure to perform with competence.

2. The Cofield Matter

On November 30, 2001, Brad and Maria Cofield, husband and wife, hired Dydzak to file a lawsuit against their former business associates. The Cofields verbally agreed to a contingency agreement and gave Dydzak \$1,500 as a retainer and cost advance with the remaining costs to be deducted from any recovery. Six months later, on May 30, 2002, Dydzak filed a complaint in the Los Angeles County Superior Court. On November 27, 2002, he filed a first amended complaint.

A year and a half after the Cofields retained him, Dydzak sent them a letter on June 10, 2003, stating that they needed to sign a contingent fee agreement and to advance an additional \$1,000 “to continue on the case, and for both of you to agree in writing that all costs incurred in the case . . . will be paid by both of you.” Dydzak concluded by stating: “If both of you will not agree to [these two] foregoing [conditions], I respectfully request that you substitute me out of the case. If not, I will file a motion to withdraw shortly.” The Cofields refused to sign an

⁶Unless otherwise indicated, all further references to rules are to these Rules of Professional Conduct of the State Bar.

agreement or pay the additional costs, stating in a letter dated August 4, 2003: “This is not the agreement we made when you took the case.” Their letter also criticized Dydzak’s handling of the case. Despite his previous statement, Dydzak did not file a motion to withdraw.

Dydzak failed to appear at the Cofields’ final status conference on January 8, 2004, at which the Superior Court set a trial date of January 20, 2004, and issued an order to show cause (OSC) why Dydzak should not be sanctioned for his failure to appear. Dydzak had actual notice of the OSC hearing, which was scheduled for the same date as the trial. On January 20, 2004, Dydzak did not appear. The Cofields were present, however, and only then learned from the Superior Court judge that Dydzak had filed a request for dismissal on January 15, 2004. According to Dydzak, the Cofields authorized him to settle and dismiss the case in exchange for a waiver of costs. The Cofields credibly testified that they never gave Dydzak permission to settle or dismiss their lawsuit.⁷ They paid subsequent counsel approximately \$18,000 to vacate the dismissal of their case. Eventually, the Cofields represented themselves at trial, obtaining a partial verdict in their favor.

Count 2 – Failure to Perform Competently (Rule 3-110(A))

Dydzak willfully violated rule 3-110(A) by failing to appear at the final status conference, and by settling and dismissing the Cofields’ case without their consent. And he did so without any assurance that the Cofields’ interests were protected. Although his settlement and dismissal of the Cofields’ case without their authority constitute a failure to perform with competence, as charged in Count 2, this conduct is more appropriately charged in Count 3 as

⁷ The Cofields’ testimony was corroborated by a declaration by Dydzak filed in the Superior Court in support of the motion to vacate the dismissal in which he attested, under penalty of perjury: “This case was dismissed based upon mistake, inadvertence and excusable neglect on my part due to the that that I was under the mistaken impression that my clients, Brad Cofield and Maria Cofield, authorized me to dismiss the case because of their unavailability and their lack of financial resources to prosecute the case through trial. In hindsight, my impression was incorrect. . . .” (Emphasis in the original.)

moral turpitude. Accordingly, we dismiss this count with prejudice as duplicative. (*Bates v. State Bar* (1990) 51 Cal.3d 1056, 1060 [duplicate allegations of misconduct serve little, if any, purpose in State Bar proceedings.]

Count 3 – Moral Turpitude (Business and Professions Code Section 6106)⁸

The hearing judge found that Dydzak willfully violated section 6106 when he settled and then dismissed the Cofields' case without their consent. We agree. The overreaching involved in resolving a lawsuit without the client's approval constitutes a deliberate breach of a fiduciary duty owed to the client and involves moral turpitude per se. (*In the Matter of Kittrell* (Review Dept. 2000) 4 Cal. State Bar Ct. Rptr. 195, 208.)

3. The Sylver Matter

In 2003, Dydzak represented Marshall Sylver and Sylver Enterprises, Inc. (collectively the Sylver defendants) in a lawsuit in the U. S. District Court for the Central District of California. Dydzak filed an opposition to the plaintiff's motion to strike the Sylver defendants' pleadings on October 3, 2003, and attached a supporting declaration, attesting under penalty of perjury that he was "duly admitted to practice law before all of the Courts of the State of California." On October 20, 2003, he appeared at the hearing on the motion to strike. At the time Dydzak filed the pleadings and appeared at the hearing, he was suspended from the practice of law for failure to pay costs in a prior disciplinary matter.

Count 4 – Unauthorized Practice of Law/Holding Out as Entitled to Practice (§§ 6068, subd. (a), 6125, and 6126)

The hearing judge, citing *Benninghoff v. Superior Court* (2006) 136 Cal.App.4th 61, dismissed Count 4 because he found that Dydzak may not be disciplined based on his conduct in federal court either for UPL or for holding himself out under sections 6125 or 6126. Under the

⁸ Unless otherwise indicated, all further statutory references are to the Business and Professions Code. Section 6106 makes the commission "of any act involving moral turpitude, dishonesty or corruption . . . a cause for disbarment or suspension."

facts of this case, we agree with the hearing judge that Dydzak may not be disciplined under section 6125, even though he practiced law in the federal court while he was suspended by the State Bar. (*Surrick v. Killion* (3d Cir. 2006) 449 F.3d 520, 530-531 [suspension from membership from a state bar does not necessarily lead to disqualification from a federal bar]; cf. *In the Matter of Wells* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 896, 902-903 [discipline may be imposed for UPL in federal court when matter involves settlement of state law claims].)

However, section 6126 is broader than section 6125 and prohibits an attorney who is suspended by the State Bar from holding himself out as entitled to practice in California. We find Dydzak culpable of a violation of section 6126 for representing in his declaration filed in the federal court that he was duly admitted to practice before all California courts. While we do not seek to restrict or assume jurisdiction over Dydzak's practice before the federal courts, the California Supreme Court may discipline a practitioner for acts committed in federal court that " ' reflect on his integrity and fitness to enjoy the rights and privileges of an attorney' " in California. (*In the Matter of Gadda* (Review Dept. 2002) 4 Cal. State Bar Ct. Rptr. 416, 420, citations omitted.) "Barring the [s]tates from disciplining their bar members based on misconduct occurring in federal court would lead to the unacceptable consequence that an attorney could engage in misconduct at will in one federal district without jeopardizing the state-issued license that facilitates the attorney's ability to practice in other federal and state venues." (*Canatella v. California* (9th Cir. 2005) 404 F.3d 1106, 1110-1111.) We thus find Dydzak culpable of violating a California Supreme Court order that prohibited him from holding himself out as entitled to practice law in California in violation of section 6126.

B. CASE NUMBER 06-O-10960

1. The Thronson Matter

On March 24, 2003, Frances Thronson retained Dydzak to represent her in a personal injury case against Trader Joe's. Shortly thereafter, she gave him \$250 for fees and costs. In

April 2003, Dydzak told Thronson that he would file a complaint within five to seven days and send her a copy once he had filed it. Thronson called five or six times during the following weeks, asking Dydzak's assistant for a copy of the complaint.

In May 2003, Dydzak left a voicemail message for Thronson falsely stating that he had filed "papers" against Trader Joe's. In fact, he did not file the complaint until one year later in May 2004. In the meantime, he repeatedly evaded Thronson's continued requests for a copy of the complaint and for a status conference, all the while professing that the complaint had been filed. Finally, Dydzak met with Thronson on May 7, 2004, the date Dydzak actually filed the complaint. He still did not provide a copy of the complaint, leaving her to believe that he had filed it the previous year as he had assured her. At the May 7, 2004, meeting, Thronson signed a retainer agreement with Dydzak.

On September 7, 2004, Dydzak failed to appear at a case management conference (CMC) in Thronson's case. The Superior Court issued an OSC directing Dydzak to file a declaration no later than October 1, 2004, showing why Thronson's case should not be dismissed for his failure to (1) appear at the CMC, (2) file proof of service of the complaint, (3) comply with the California Rules of Court regarding CMCs, and (4) timely prosecute her case. The court set the OSC hearing for October 7, 2004. Dydzak filed his declaration in response to the OSC four days late on October 5, 2004, and then failed to appear at the hearing. As a result, the Superior Court dismissed Thronson's case on October 7, 2004. Dydzak did not inform Thronson that her case had been dismissed, let alone the reasons for the dismissal.

Dydzak waited more than five months to file a motion to set aside the dismissal, which the Superior Court denied in April 2005. He then filed a motion for reconsideration, which the court denied in July 2005. On October 25, 2005, Dydzak filed a notice of appeal and -- more than a year after the dismissal -- he finally advised Thronson that her case had been dismissed by

the Superior Court. Even then, he neglected to disclose the reasons for the dismissal. On December 8, 2005, the Court of Appeal filed an order dismissing the appeal because Thronson was in default.

On January 17, 2006, Thronson sent a letter to Dydzak detailing the history of their association and indicating that she “would be willing to call it quits if [she] received \$10,000 in compensation for a variety of ills. I could then let the matter go.” Dydzak responded by letter on January 26, 2006, falsely stating that he had previously advised her of the Court of Appeal’s dismissal. He further falsely claimed that “I explained to you that the costs [to set aside the dismissal] were expensive. You failed to timely remit to me required monies for said appeal, resulting in the dismissal of the appeal.” Dydzak insisted in his letter that Thronson send him \$800 to cover costs so that he could “pursue the appeal by moving to reinstate same.” He also stated that he had previously informed Thronson that she “had major difficulties of proof in [her] case.” Thronson credibly testified that she was never advised about the cost of appeal or that her case lacked merit. In his January 26 letter, Dydzak did not advise her that the deadline to seek reinstatement had already expired on December 23, 2005, or that the Court of Appeal’s order dismissing the appeal was final as of January 16, 2006.

Count 1 – Failure to Perform Competently (Rule 3-110(A))

Without question, Dydzak willfully violated rule 3-110(A) when he repeatedly failed to competently perform legal services for Thronson. His disregard of his fiduciary duty to protect her interests, as detailed above, was egregious.

Counts 2, 3, 4 and 5 -- Moral Turpitude (§ 6106)

Dydzak’s many misrepresentations to Thronson about the status of her case, as set forth in Counts 2, 3, 4, and 5, constitute moral turpitude in violation of section 6106. His statements involved both affirmative misrepresentations (e.g., his repeated claims that he had filed the

complaint against Trader Joe's), and nondisclosures (e.g., his repeated failure to inform Thronson of the dismissals by the Superior Court and the Court of Appeal and the reasons for the dismissals). In finding moral turpitude, “ ‘[n]o distinction can . . . be drawn among concealment, half-truth, and false statement of fact. [Citation.]’ [Citation.]” (*In the Matter of Chesnut* (Review Dept. 2000) 4 Cal. State Bar Ct. Rptr. 166, 174.) In the interest of economy, all of Dydzak's misrepresentations could have been properly charged as one count, but we nevertheless find that each violation of section 6106 set forth in counts 2, 3, 4, and 5 was established by clear and convincing evidence.

Count 6 – Failure to Advise of Significant Developments (§ 6068, subd. (m))

Dydzak willfully violated section 6068, subdivision (m), which requires that attorneys keep their clients advised of significant developments. He failed to timely tell Thronson about the dismissal of her case, the reasons for that dismissal, and the consequences of the dismissal of her appeal. However, the hearing judge correctly gave no additional weight for the violation of section 6068, subdivision (m) because Dydzak's failure to inform Thronson was a basis for establishing culpability for misrepresentation in Counts 2, 3, 4, and 5. Therefore, Count 6 is dismissed as duplicative. (*Bates v. State Bar*, *supra*, 51 Cal.3d at p. 1060.)

Count 7 – Failure to Respond to Client's Inquiries (§ 6068, subd. (m))

We find clear and convincing evidence that Dydzak willfully violated section 6068, subdivision (m), which requires attorneys to promptly respond to reasonable client inquiries. He repeatedly failed to promptly respond to numerous reasonable status inquiries from Thronson during a two-and-one-half-year period from May 2003 through June 2006.

III. MITIGATING AND AGGRAVATING CIRCUMSTANCES

A. MITIGATION

Dydzak bears the burden of proving mitigating circumstances by clear and convincing evidence. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std.

1.2(e).)⁹ To establish his good character as a mitigating circumstance, Dydzak presented testimony from two former clients. (Std. 1.2(e)(vi).) He also introduced into evidence declarations from nine individuals (two attorneys, four clients, and Dydzak's mother, brother, and wife). However, the value of their statements is reduced for lack of specificity that they adequately understood the nature of Dydzak's current wrongdoing and/or the extent of his prior record of discipline. Therefore, we find this factor is entitled to minimal weight in mitigation.

B. AGGRAVATION

The State Bar bears the burden of proving aggravating circumstances by clear and convincing evidence. (Std. 1.2(b).)

1. Prior Record of Discipline

Dydzak has been previously disciplined four times, which is an extremely serious aggravating circumstance. It is all the more so because certain aspects of Dydzak's present misconduct echo his prior misconduct, particularly his failure to communicate and his abdication of responsibility to clients. (Std. 1.2(b)(i).)

2. Multiple Acts

We have found Dydzak culpable of numerous counts of misconduct in four separate matters. Such multiple acts of misconduct constitute an aggravating circumstance. (Std. 1.2(b)(ii).)

3. Significant Harm

Dydzak's misconduct caused significant harm in two separate client matters. The Cofields had to hire two attorneys at a total cost of \$18,000 to set aside the dismissal of their case. Thronson not only lost her cause of action against Trader Joe's, she lost the opportunity to

⁹ All further references to standards are to this source.

be reimbursed approximately \$2,800 for her medical expenses, which the insurance company initially offered but which Dydzak told her to reject in favor of filing a lawsuit. (Std. 1.2(b)(iv).)

4. Dishonesty and Overreaching

The hearing judge was unwilling to consider as aggravation that Dydzak's misconduct was surrounded by bad faith, dishonesty, and concealment under standard 1.2 (b)(iii). The judge deemed it duplicative of the facts relied upon in establishing Dydzak's culpability for moral turpitude. We agree. (See, e.g., *In the Matter of Chesnut*, *supra*, 4 Cal. State Bar Ct. Rptr. 166, 176.) However, standard 1.2 (b)(iii) also proscribes overreaching, which we find here as aggravating conduct due to Dydzak's attempt to renegotiate his fee agreement with the Cofields by threatening to withdraw a year and a half after commencing litigation on their behalf. (*In the Matter of Shalant* (Review Dept. 2005) 4 Cal. State Bar Ct. Rptr. 829, 837-838 [coercive renegotiation of fees after commencement of trial constituted moral turpitude].)

5. Lack of Insight and Remorse

Dydzak fails to demonstrate any remorse for his wrongdoing and instead continues to assert that his clients and others are responsible for his misconduct. (Std. 1.2(b)(v).) This is a significant factor in aggravation. During the past decade, he has been disciplined four times, yet, incredibly, he complains in his brief on appeal that "[p]rior to this proceeding no [State] Bar attorney nor the Enforcement Unit [of the State Bar] ever explained to Dydzak the he could risk disbarment or severe discipline if there were disciplinary proceedings in the future against him."

"The law does not require false penitence. [Citation.] But it does require that the respondent accept responsibility for his acts and come to grips with his culpability. [Citation.]" (*In the Matter of Katz* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 502, 511.) Dydzak has failed to do this.

IV. DISCUSSION

The purpose of State Bar disciplinary proceedings is not to punish the attorney, but to protect the public, to preserve public confidence in the profession and to maintain the highest possible professional standards for attorneys. (Std. 1.3; *Chadwick v. State Bar* (1989) 49 Cal.3d 103, 111.) In determining the appropriate level of discipline, we look to the standards for guidance, although we do not apply them in a talismanic fashion. (*In the Matter of Van Sickle* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 980, 994.) We also look to decisional law for additional guidance. (*Snyder v. State Bar* (1990) 49 Cal.3d 1302, 1310-1311.)

Standard 1.6(a) provides that, when two or more acts of misconduct are found in a single disciplinary proceeding and different sanctions are prescribed for those acts, the recommended sanction is to be the most severe of them. The most severe standard applicable here is standard 1.7(b), which provides that the degree of discipline for an attorney with two or more prior records of discipline shall be disbarment unless the most compelling mitigating circumstances clearly predominate.

We recognize that despite the unequivocal language of standard 1.7(b), disbarment has not been imposed in every instance where a respondent has a prior history of two or more disciplines. But we generally follow standard 1.7(b) where there is a “repeated finding of culpability of the same offense, or continuing misconduct of increasing severity.” (*In the Matter of Trousil* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 229, 241.)

We can find no justification here for a departure from standard 1.7(b). Dydzak seriously compromised the rights of his clients and engaged in acts of moral turpitude, including making significant misrepresentations to his clients. His misconduct is extremely serious and threatens the public because it has not only continued unabated during his decade-long involvement with the State Bar disciplinary system, but it has been increasing in severity.

The reasons for our disbarment recommendation in *In the Matter of Shalant, supra*, 4 Cal. State Bar Ct. Rptr. at p. 842 apply equally here: “Respondent’s extended history of inattention to his fiduciary responsibilities to his clients, together with his failure to learn from his past misdeeds, creates a grave risk that additional harm will result to his clients. Furthermore, respondent’s manifest indifference to the consequences of his actions and the absence of any significant mitigation evidence compel [this court] to conclude that . . . [¶] . . . disbarment [is] necessary to best serve the goals of attorney discipline in this case.” (See also *Morgan v. State Bar* (1990) 51 Cal.3d 598; *In the Matter of Thomson* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 966.)

V. RECOMMENDED DISCIPLINE

The court recommends that **DANIEL DAVID DYDZAK** be disbarred from the practice of law in the State of California and that his name be stricken from the roll of attorneys admitted to practice in this state.

VI. RULE 9.20 AND COSTS

The court also recommends that Daniel David Dydzak be ordered to comply with the requirements of rule 9.20 of the California Rules of Court and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court order in this proceeding.

The court also recommends that costs be awarded to the State Bar in accordance with section 6086.10, such costs being enforceable both as provided in section 6140.7 and as a money judgment.

VII. ORDER OF INACTIVE ENROLLMENT

Because the hearing judge recommended disbarment, he properly ordered that Daniel David Dydzak be involuntarily enrolled as an inactive member of the State Bar as required by

section 6007, subdivision (c)(4), and Rules of Procedure of the State Bar, rule 220(c). The hearing judge's order of involuntary inactive enrollment became effective on August 8, 2008, and Daniel David Dydzak has remained on involuntary inactive enrollment since that time and will remain on involuntary inactive enrollment pending final disposition of this proceeding.

Exhibit B

Order dated September 25, 2012, *Dydzak*
v. Cantil-Sakauye, C.D. Cal. Case No.
C11-5560-JCC, Dkt. No. 35

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

DANIEL DAVID DYDZAK,

Plaintiff,

v.

TANI CANTIL-SAKAUYE, et al.,

Defendant.

CASE NO. C11-5560-JCC

ORDER

In its order of March 2, 2012, the Court dismissed on its own motion *pro se* Plaintiff Daniel Dydzak's Complaint and ordered Mr. Dydzak to show cause as to why he should not be sanctioned for failure to comply with Federal Rule of Civil Procedure 11(b). (Dkt. No. 16.) Shortly thereafter, this Court issued a second order to show cause, in which it directed Mr. Dydzak to show cause as to (1) why he should not be declared a vexatious litigant, and (2) why he should not be prohibited from initiating further litigation alleging deprivation of rights under 42 U.S.C. § 1983 relating to his disbarment without prior authorization. (Dkt. No. 19.) Plaintiff responded to each order to show cause on April 2 and April 5, 2012, respectively. (Dkt. Nos. 31, 32.) Having considered Plaintiff's responses and the balance of the record, the Court finds that Plaintiff has failed to show good cause and hereby ORDERS that plaintiff is declared a vexatious litigant and subject to this pre-filing order, as explained below.

//

ORDER
PAGE - 1

SER-450

1 **I. DISCUSSION**

2 As the Ninth Circuit has recognized, “[f]lagrant abuse of the judicial process cannot be
3 tolerated because it enables one person to preempt the use of judicial time that properly could be
4 used to consider the meritorious claims of other litigants.” *See De Long v. Hennessey*, 912 F.2d
5 1144, 1148 (9th Cir. 1990). To combat such abuses, litigation misconduct is sanctionable under
6 this Court’s inherent power, C.D. Cal. Local Rule 83-8, and Federal Rule of Civil Procedure 11.
7 In rare circumstances, such sanctions may take the form of a pre-filing order, which limits one’s
8 ability to initiate further litigation. *See De Long*, 912 F.2d at 1147 (recognizing “inherent power
9 of federal courts to regulate the activities of abusive litigants”); C.D. Cal. Local Rule 83-8.2
10 (authorizing court to issue “orders as are appropriate to control the conduct of a vexatious
11 litigant”); FED. R. CIV. P. 11(c)(4) (permitting Court to impose sanctions in the form of
12 nonmonetary directives). Before imposing a pre-filing order against a *pro se* litigant, however, a
13 district court must (1) provide the litigant with “adequate notice and a chance to be heard,” (2)
14 identify the “cases and motions that support the conclusion that [the litigant’s] filings are so
15 numerous or abusive that they should be enjoined,” (3) make “substantive findings as to the
16 frivolous or harassing nature of the litigant’s actions,” and (4) ensure that any pre-filing order is
17 “narrowly tailored to closely fit the specific vice encountered.” *Molski v. Evergreen Dynasty*
18 *Corp.*, 500 F.3d 1047, 1057 (9th Cir. 2007) (quoting *De Long*, 912 F.2d at 1145-48 (internal
19 quotation and citation omitted)). The purpose of these requirements is to ensure that the pre-
20 filing order does not “tread on the litigant’s due process right of access to the courts.” *Id.* This
21 Court addresses each of these requirements below.

22 **A. Notice and Opportunity to be Heard**

23 In the instant case, the Court finds that Mr. Dydzak was provided with adequate notice
24 and an opportunity to be heard. By its orders dated March 2 and March 7, 2012, this Court
25 directed Mr. Dydzak to show cause as to why he should not be sanctioned for failure to abide by
26 Rule 11(b) and why he should not be declared a vexatious litigant and subject to a pre-filing bar.

(Dkt. Nos. 16, 19.) Mr. Dydzak was given the opportunity to respond, which he did through two separate opposition briefs. (Dkt. Nos. 31, 32.) In his responses to the orders to show cause, Plaintiff also provided the Court with signed declarations in support of his opposition briefs. *Id.* The Court has thoroughly considered each of Mr. Dydzak's responses and supporting materials. Accordingly, Plaintiff was provided notice and afforded an opportunity to respond to the possibility that he would be declared a vexatious litigant and subject to a pre-filing order. *See Molski*, 500 F.3d at 1058-59; *cf. Pacific Harbor Cap., Inc. v. Carnival Air Lines, Inc.*, 210 F.3d 1112, 1118 (9th Cir. 2000) (imposing sanctions against attorney and holding that "[t]he opportunity to brief the issue fully satisfies due process requirements").

B. Adequate Record

The second requirement is that this Court establish an adequate record of review. *See De Long*, 912 F.2d at 1147-48. "An adequate record for review should include a listing of all the cases and motions that led the district court to conclude that a vexatious litigant order was needed." *Id.* at 1147. In this Court's prior order to show cause (Dkt. No. 19), the Court provided a case-by-case and motion-by-motion replay of Mr. Dydzak's litigation history, which it includes in full and supplements below.

This is Mr. Dydzak's fourth federal lawsuit challenging his 2008 disbarment. In the first such case, *Dydzak v. State of California, et al.*, C08-7765-VAP (AGR) (C.D. Cal. 2008) (*Dydzak I*), Mr. Dydzak alleged that individual defendants in separate actions he had been litigating prior to his disbarment had exerted improper influence over his state bar proceedings. He sued the State of California, the State Bar Court, and numerous judges and attorneys affiliated with the State Bar Court for deprivation of rights under 42 U.S.C. § 1983. On the defendants' motion to dismiss, U.S. Magistrate Judge Alicia Rosenberg recommended that the claims for injunctive and declaratory relief be dismissed based on *Younger* abstention, and that the claims for monetary relief be dismissed based on Eleventh Amendment and quasi-judicial immunity. (*Id.*, Dkt. No. 45.) U.S. District Judge Virginia Phillips adopted the report and recommendation and granted the motion to dismiss. (*Id.*, Dkt. No. 48.)

Following entry of judgment in the matter, Mr. Dydzak filed a motion requesting that Judges Phillips and Rosenberg be disqualified. The motion was referred to Judge R. Gary Klausner, who issued an order denying the motion to

1 disqualify. (*Id.*, Dkt. No. 54.) Mr. Dydzak promptly moved to disqualify Judge
2 Klausner. In an eight-page order, Judge Margaret Morrow denied that motion.
3 (*Id.*, Dkt. No. 61.) Following a flurry of rejected motions by Mr. Dydzak,
4 including a motion for reconsideration, a motion to reopen his case, and an
5 additional motion to disqualify Judges Phillips and Rosenberg, Mr. Dydzak
6 moved to disqualify all of the judges in the U.S. District Court for the Central
7 District of California. (*Id.*, Dkt. No. 95.) That motion was referred to Judge
8 George Wu, who issued yet another thoroughly drafted order denying the motion.
9 (*Id.*, Dkt. No. 98.) Judge Wu also referred to Judge Morrow the issue of whether
10 to sanction Mr. Dydzak for his disregard of the prior-issued orders for
11 disqualification. Mr. Dydzak appealed the judgment in the matter to the Ninth
12 Circuit, which summarily affirmed. (*Id.*, Dkt. No. 107; CA 09-56325, Dkt. No. 12
13 (9th Cir. Nov. 18, 2009).)

14 On February 4, 2010, Mr. Dydzak submitted a new application to the court
15 to proceed *in forma pauperis*, along with a complaint naming the same defendants
16 named in *Dydzak I*, along with several additional individual defendants. *See*
17 *Dydzak v. Remke et al.*, C10-0828-UA-AGR (C.D. Cal. 2010). The proposed
18 complaint recycled the allegations from *Dydzak I*. Judge Audrey Collins denied
19 Mr. Dydzak's request to proceed *in forma pauperis* and rejected the complaint,
20 finding that it failed to state a claim, that *res judicata* barred claims that were the
21 same as those in *Dydzak I*, and that the claims for injunctive and declaratory relief
22 were barred by *Younger* abstention. (*Id.*, Dkt. No. 2.)

23 Ten days later, Mr. Dydzak initiated another lawsuit under 42 U.S.C. §
24 1983. *See Dydzak v. Remke, et al.*, C10-1297-AHM-AGR (C.D. Cal. 2010)
25 (*Dydzak II*). He named nearly all of the defendants from *Dydzak I*, along with
26 Judges Rosenberg, Phillips, Morrow, Klausner, Wu, and Collins. On Judge Percy
Anderson's order to show cause why the claims against the federal judges should
not be dismissed based on judicial immunity, Mr. Dydzak voluntarily dismissed
the claims against the judges, and Judge Anderson discharged the order. Judge
Gary Feess, the Case Management & Assignment Committee Chair for the
Central District, reassigned the case to Judge Phillips pursuant to General Order
08-05, which requires that when a case is closed and *an identical case is re-filed*,
it must be transferred to the originally assigned judge. (*Id.*, Dkt. No. 34.) As Judge
Phillips was a defendant in *Dydzak II*, she recused herself, and the matter was
again reassigned to Judge A. Howard Matz. Judge Matz denied Mr. Dydzak's
motion for a preliminary injunction, recounted Mr. Dydzak's multiple legal
challenges to his disbarment up to that point, and observed that the complaint in
the matter was "largely incoherent." (*Id.*, Dkt. No. 41.)

Mr. Dydzak appealed Judge Matz's order to the Ninth Circuit, but while
the appeal was pending, Judge Matz granted the State Bar defendants' motion to
dismiss. As in *Dydzak I* and the application rejected by Judge Collins, the court
held that the claims for declaratory and injunctive relief were barred by *Younger*

1 abstention and that the claims for monetary relief were barred by the Eleventh
2 Amendment. (*Id.*, Dkt. No. 51.) The Ninth Circuit denied Mr. Dydzak's
3 application to proceed *in forma pauperis* "because appellant has failed to show
4 that the appeal is not frivolous." (*Id.*, Dkt. Nos. 60, 62; CA 10-56000, Dkt. Nos. 5,
5 7 (9th Cir. 2011).)

6 Before the Ninth Circuit had rendered its order dismissing his appeal, Mr.
7 Dydzak had already filed his third lawsuit. *See Dydzak v. George, et al.*, C10-
8 5820-SVW (C.D. Cal. 2010) (*Dydzak III*). He again alleged deprivation of rights
9 under § 1983 and again named nearly all of the defendants from *Dydzak I* and *II*,
10 including the federal judge defendants from *Dydzak II*—Klausner, Morrow, Wu,
11 Phillips, Collins, and Rosenberg—despite the fact that Judge Anderson had
12 dismissed those claims *with prejudice*. (*See Dydzak II*, Dkt. No. 9.) This time, Mr.
13 Dydzak also sued the California Supreme Court and all seven of its justices
14 individually, along with Judges Matz and Feess. (*Dydzak III*, Dkt. No. 1.) He
15 repeated his allegations from *Dydzak I* and *II*, and larded his complaint with
16 additional allegations of bias, conspiracy, and duplicity against anyone even
17 peripherally involved in his state bar proceedings.

18 The State Bar of California immediately moved to dismiss the complaint,
19 and the United States moved to appear as *amicus curiae* regarding the issue of
20 judicial immunity. Notably, after Judge Stephen Wilson granted the United States
21 leave to appear, Mr. Dydzak voluntarily dismissed the claims against the federal
22 judges "without prejudice." (*Id.*, Dkt. No. 14.) On November 8, 2010, in an 18-
23 page order, Judge Wilson dismissed Mr. Dydzak's claims with prejudice because
24 (1) Mr. Dydzak was collaterally estopped from bringing his § 1983 claims against
25 the State Bar defendants; (2) the claims against the justices of the California
26 Supreme Court were barred by the doctrine of judicial immunity; and (3) the
Eleventh Amendment barred the claims against the remaining state entities. (*Id.*,
Dkt. No. 16.) Mr. Dydzak moved for reconsideration, which the court denied in
another thoroughly drafted order. (*Id.*, Dkt. No. 23.)

That did not end the matter for Mr. Dydzak. He again appealed the
dismissal of his complaint, and, as he had in *Dydzak I*, moved to disqualify Judge
Wilson and all judges and magistrate judges of the U.S. District Court for the
Central District of California. (*Id.*, Dkt. No. 28.) Ninth Circuit Chief Judge
Kozinski designated Robert Whaley, Senior U.S. District Judge for the Eastern
District of Washington, to adjudicate the motion to disqualify. Judge Whaley
denied the motion, noting that Mr. Dydzak's allegations were "based on
speculation and sources that have not been identified." (*Id.*, Dkt. No. 42.) The
Ninth Circuit again denied Mr. Dydzak's application to proceed *in forma pauperis*
because "the appeal is frivolous," and it ordered Mr. Dydzak to show cause why
the judgment should not be summarily affirmed. (*Id.*, Dkt. No. 40; CA 11-55143,
Dkt. No. 13 (9th Cir. April 20, 2011).) Following Mr. Dydzak's response to the
order to show cause, the Ninth Circuit summarily affirmed the district court on

1 July 7, 2011.

2 This brings us to the Complaint recently dismissed by this Court. (Dkt.
3 Nos. 1, 16.) For the fourth time in federal court, Mr. Dydzak alleged deprivation
4 of rights under § 1983, in a rehash of his previous three complaints. He sued the
5 California Supreme Court and its justices as individuals despite the prior
6 dismissal of those claims with prejudice. He sued Judges Klausner, Morrow,
7 Phillips, Collins, and Rosenberg despite the prior dismissal of those claims with
8 prejudice. For good measure, he sued nearly all other judges of the U.S. District
9 Court for the Central District of California, regardless of their involvement in his
10 prior matters. He also sued Judge Whaley for denying his motion to disqualify the
11 judges of the Central District in *Dydzak III*. The Court spelled out the various
12 fatal deficiencies in Mr. Dydzak's claims and again dismissed his Complaint, this
13 time *sua sponte*.

14 (Dkt. No. 19.)

15 Immediately following the dismissal of his claims, Mr. Dydzak pushed forward,
16 undeterred by yet another dismissal with prejudice. He filed numerous motions including, among
17 others, a motion for reconsideration (Dkt. No. 27), a motion to disqualify counsel for defendants,
18 (Dkt. No. 25), and expectedly, a motion to disqualify the undersigned. (Dkt. No. 23.) To
19 adjudicate the latter motion to disqualify, Ninth Circuit Chief Judge Kozinski designated Justin
20 L. Quackenbush, Senior U.S. District Judge for the Eastern District of Washington. Plaintiff then
21 challenged that designation in a motion for reconsideration directed to Chief Judge Kozinski.
22 (Dkt. No. 30.) In yet another thorough opinion disposing of Mr. Dydzak's attempt to disqualify
23 a judge who has dismissed his claims, Judge Quackenbush denied the motion to disqualify. (Dkt.
24 No. 33.) In doing so, Judge Quackenbush expressed concern that Mr. Dydzak may have sought
25 to delay or avoid an adverse decision by this Court given that the motion to disqualify was filed
26 shortly after this Court's order dismissing Plaintiff's claims. *Id.* at 10. Additionally, Judge
Quackenbush noted that "Plaintiff has requested the disqualification of a presiding judge at least
eight times under similar circumstances[.]" and explained that Plaintiff's actions appeared to
occur "as a matter of course" anytime he was faced with an adverse action. *Id.*

In addition to dismissing Plaintiff's claims with prejudice on March 2, 2012, this Court
ordered Mr. Dydzak to show cause as to why he should not be sanctioned for failure to comply

1 with Fed. R. Civ. P. 11(b). (Dkt. No. 16.) Thereafter, on March 7, 2012, this Court issued an
2 additional order in which Plaintiff was directed to show cause as to why he should not be
3 declared a vexatious litigant and barred from initiating future litigation related to his disbarment
4 without prior authorization. (Dkt. No. 19.)

5 Based on the record compiled from the above cases and the current matter, the Court
6 concludes that the record is adequate for review.

7 **C. Frivolous or Harassing Nature of Plaintiff's Actions**

8 Third, the district court is required to make findings as to the frivolous or harassing
9 nature of the litigant's actions. *See Molski*, 500 F.3d at 1059 (citing *De Long*, 912 F.2d at 1148).
10 In making this determination, the Court considers not just the number of filings, but the contents
11 thereof. *Id.* A pre-filing order cannot be based only upon a showing of litigiousness; rather, the
12 plaintiff's claims must be "patently without merit." *Id.* (quoting *Moy v. United States*, 906 F.2d
13 467, 470 (9th Cir. 1990)). In the instant case, the Court finds that there is sufficient basis to
14 conclude that Plaintiff's litigation relating to his 2008 disbarment has been abusive and frivolous.

15 As explained in this Court's prior orders to show cause and order dismissing Plaintiff's
16 complaint (Dkt. Nos. 16, 19), Mr. Dydzak has abused this Court's process by filing multiple
17 meritless lawsuits based on the same claims and consistently filing motions to disqualify any
18 judge who rules against him (as well as countless other judges with whom Plaintiff has had little
19 or no interaction). His claims have consistently lacked a credible factual foundation and, as
20 detailed in this Court's order of March 2, 2012, Plaintiff has displayed an utter disregard for the
21 applicable law and prior rulings of this Court and the Ninth Circuit. (*See* Dkt. No. 16.)

22 Specifically, Mr. Dydzak has initiated four lawsuits in federal court based on his
23 expanding visions of conspiracy regarding his 2008 disbarment. At each stage, Plaintiff's claims
24 have been dismissed; his second, third, and fourth complaints were dismissed *with prejudice*.
25 (*See Dydzak II*, Dkt. No. 9 (dismissing claims against federal judge defendants with prejudice
26 based on judicial immunity); *Dydzak II*, Dkt. No. 51 (dismissing remaining claims without leave

1 to amend on grounds of *Younger* abstention and the Eleventh Amendment); *Dydzak III*, Dkt. No.
2 16 (dismissing claims with prejudice based on collateral estoppel, judicial immunity, and the
3 Eleventh Amendment); Dkt. No. 16 (dismissing claims based on judicial immunity, *res judicata*,
4 and collateral estoppel); *see also Dydzak v. Remke et al.*, C10-0828-AGR (C.D. Cal. 2010)
5 (denying application to proceed *in forma pauperis* and rejecting complaint based on *res judicata*
6 and *Younger* abstention.) Yet, Mr. Dydzak has taken each dismissal in stride, using it as an
7 excuse to file countless motions to disqualify and to bring a new case based on allegations of the
8 same ever-expanding conspiracy against the same and additional defendants.

9 Additionally, Plaintiff has unsuccessfully appealed the dismissals in each of his three
10 prior cases. The first two appeals were, respectively, barred as untimely (*Dydzak I*, Dkt. No.
11 107)¹, and summarily dismissed for failure to respond to the Court's order (*Dydzak II*, Dkt. Nos.
12 60, 62, 63, 64). The dismissal of Mr. Dydzak's third complaint was summarily affirmed by the
13 Ninth Circuit on the grounds of collateral estoppel, judicial immunity, and the Eleventh
14 Amendment. (*Dydzak III*, Dkt. No. 44.) Further, in denying Mr. Dydzak's application to proceed
15 *in forma pauperis* in his second appeal, the Ninth Circuit explained that "appellant has failed to
16 show that the appeal is not frivolous[.]" and in his third appeal, the Court again noted that "the
17 appeal is frivolous." (*Dydzak II*, Dkt. Nos. 60, 62; *Dydzak III*, Dkt. No. 40.) The Court thus
18 stresses that it is not merely the volume of filings in Mr. Dydzak's litigation history that leads the
19 Court to find that his claims are frivolous. Rather, it is the fact that Mr. Dydzak's claims are
20 recycled from case to case and legally meritless, as demonstrated by the repeated dismissals on
21 the same few grounds.

22 In his responses, Mr. Dydzak fails to persuade this Court that his filings in this case and
23 in prior cases were not, in fact, "patently without merit." In large part, Plaintiff uses his
24

25
26 ¹ Mr. Dydzak attempted to appeal the dismissal in *Dydzak I*, but the Ninth Circuit limited the scope of the appeal to
the motions to disqualify Judges Phillips, Rosenberg, and Morrow, because Plaintiff did not timely appeal the
dismissal. (*Dydzak I*, Dkt. No. 107.) The denials of those motions to disqualify were summarily affirmed. *Id.*

1 responses as an opportunity to continue making allegations regarding the same overarching
2 conspiracy that has been the subject of his series of lawsuits. Nothing in Plaintiff's responses
3 warrants a finding that there was a basis in fact or law for Plaintiff to continue bringing such
4 claims, especially in light of the prior dismissals. The Court also notes that Mr. Dydzak
5 mischaracterizes the procedural history of his litigation in the Central District of California. To
6 cite a few examples, he argues that in his second lawsuit, Judge Anderson discharged an order to
7 show cause, thereby "showing there was merit to the lawsuit." (Dkt. No. 32, at 9.) As noted
8 above, however, Judge Anderson dismissed the claims at issue (against the federal judge
9 defendants) *with prejudice* after Plaintiff, in response to the Court's order to show cause as to
10 why those claims should not be dismissed based on judicial immunity, voluntarily dismissed
11 those defendants. (*See Dydzak II*, Dkt. No. 9.) As another example, Plaintiff describes the appeal
12 of his third lawsuit by stating that "[t]he Ninth Circuit did not hear the matter, because
13 DYDZAK has learnt that it never grants appeals in pro se civil rights cases." (Dkt. No. 32, at 9-
14 10.) The Ninth Circuit, however, noted that the appeal was frivolous, issued an order to show
15 cause to which Mr. Dydzak responded, and summarily affirmed the district court on the grounds
16 of collateral estoppel, judicial immunity, and the Eleventh Amendment. (*See Dydzak III*, Dkt.
17 Nos. 40, 44.) Such mischaracterizations exemplify Mr. Dydzak's disregard for the prior rulings
18 of this Court and the Ninth Circuit as he blindly presses forward with his litigation efforts.

19 Having considered Mr. Dydzak's filings in each of his prior cases and in the instant
20 matter, the Court finds that Plaintiff is not just litigious. Rather, Plaintiff's repeated attempts to
21 bring the same or similar claims against the same or similar defendants, and his continued
22 motions to disqualify, as described above, lead this Court to find that Mr. Dydzak's conduct has
23 become abusive and that his claims are frivolous.

24 **D. Narrowly Tailored Order**

25 The final factor under *De Long* requires that the pre-filing order must be "narrowly
26 tailored to the vexatious litigant's wrongful behavior." *Molski*, 500 F.3d at 1061. In *Molski*, the

1 Ninth Circuit held that the pre-filing order at issue was narrowly tailored where, rather than
2 barring the vexatious litigant from filing *any* claims, it instead required the litigant to seek
3 authorization before filing the same types of claims that had been filed vexatiously. 500 F.3d at
4 106. In light of Mr. Dydzak's conduct, the Court finds that the imposition of a pre-filing bar,
5 subject to the conditions stated below, is appropriately limited to Plaintiff's wrongful behavior in
6 accordance with *Molski* and *De Long*.

7 **II. CONCLUSION**

8 For the foregoing reasons, it is hereby ORDERED that:

9 (1) Plaintiff is declared a vexatious litigant under C.D. Cal. Local Rule 83-8.2 and this

10 Court's inherent authority;

11 (2) Plaintiff is PROHIBITED from initiating any further litigation in this or any other
12 federal court alleging deprivation of rights under 42 U.S.C. § 1983 or *Bivens* based on
13 his disbarment without the prior authorization from the presiding judge of the U.S.
14 District Court for the Central District of California; and

15 (3) Plaintiff is REQUIRED to provide security in the amount of \$5,000 for each
16 defendant against whom he seeks to proceed with Court authorization in the future.

17 Should Mr. Dydzak wish to file a complaint, he must submit a copy of his proposed
18 complaint, a letter requesting that the complaint be filed, and a copy of this Order, to the Clerk of
19 this Court. The Clerk shall then forward the letter, the complaint, and a copy of this Order to the
20 presiding Judge for a determination whether the complaint should be accepted for filing.

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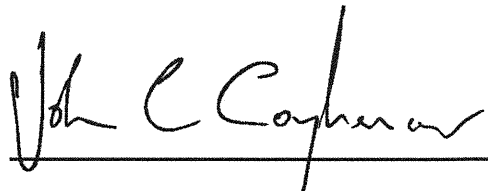
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1 DATED this 25th day of September 2012.

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A handwritten signature in black ink, appearing to read "John C. Coughenour", is written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE

Exhibit C

Prefiling Order Vexatious Litigant
dated April 5, 2013, *Dydzak v. Dunn*,
Cal. Super. Ct. Case No. 30-2012-
00558031

RECEIVED

APR 10 2013

MC-700

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and Address): <i>(To be completed only if a party is making the motion)</i> Danielle A. Lee (223876) The State Bar of California 180 Howard St., San Francisco, CA 94105 ATTORNEY FOR (Name): Dunn, Babcock, et al. TELEPHONE NO.: 415-538-2339 FAX NO.: 415-538-2321 E-MAIL ADDRESS: danielle.lee@calbar.ca.gov		FOR COURT USE ONLY RECEIVED APR 10 2013 CLERK OF SUPERIOR COURT COUNTY OF SAN DIEGO
<input type="checkbox"/> COURT OF APPEAL, APPELLATE DISTRICT, DIVISION <input checked="" type="checkbox"/> SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: 220 W. Broadway MAILING ADDRESS: CITY AND ZIP CODE: San Diego, CA 92101 BRANCH NAME: Central Division		
CASE NAME: Daniel D. Dydzak v. Joseph Lawrence Dunn et al.		
PREFILING ORDER—VEXATIOUS LITIGANT		CASE NUMBER: 30-2012-00558031

1. Name and address of each plaintiff or cross-complainant or other party subject to this prefiling order:

Daniel D. Dydzak
 4285 Marina City Drive
 Marina Del Ray, 90292

2. This prefiling order is entered pursuant to a motion made by ☐ the court ☒ party (name):

Defendants Dunn, Babcock, et al.

3. The person or persons identified in item 1, unless represented by an attorney, are prohibited from filing any new litigation in the courts of California without approval of the presiding justice or presiding judge of the court in which the action is to be filed.

4. The clerk is ordered to provide a copy of this order to the California Judicial Council by fax at 415-865-4329 or by mail at the address below.

Vexatious Litigant Prefiling Orders
 California Judicial Council
 Administrative Office of the Courts
 455 Golden Gate Avenue
 San Francisco, California 94102

Date:

APR 10 2013

William S. Dato

JUDICIAL OFFICER

WILLIAM S. DATO



CLERK'S CERTIFICATE

The foregoing document, consisting of page(s), is a full, true, and correct copy of the ☒ original ☐ copy on file in this office.

Clerk of the Superior Court

4/8/13

Date

by

Deputy

SAM COLAS

APR 08 2013

PREFILING ORDER—VEXATIOUS LITIGANT

SER-462

ENTERED
 4/10/13
 CLERK

on the record by

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

Central
330 West Broadway
San Diego, CA 92101

SHORT TITLE: Daniel D Dydzak vs Joseph Lawrence Dunn

CLERK'S CERTIFICATE OF SERVICE BY MAIL

CASE NUMBER:
30-2012-00558031

I certify that I am not a party to this cause. I certify that a true copy of the PRE-FILING ORDER VEXATIOUS LITIGANT was mailed following standard court practices in a sealed envelope with postage fully prepaid, addressed as indicated below. The mailing and this certification occurred at San Diego, California, on 04/08/2013.

Clerk of the Court, by:  _____, Deputy

JUDICIAL COUNCIL OF CALIFORNIA
455 GOLDEN GATE AVENUE
SAN FRANCISCO, CA 94102

☐ Additional names and address attached.

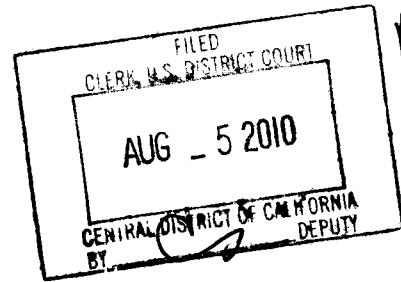
Exhibit D

Complaint, *Dydzak v. George*, Case No.
10-cv-05820-SVW, Dkt. No. 1 (C.D.
Cal. Aug. 5, 2010)

1 DANIEL DAVID DYDZAK
 2 PLAINTIFF PRO SE
 3 4265 MARINA CITY DRIVE, SUITE 407W
 4 MARINA DEL REY, CA 90292
 5 TELEPHONE: (310) 867-1289

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA



1:30
 fees
 paid

DANIEL DAVID DYDZAK,)

CASE NO.

Plaintiff,)

vs.)

COMPLAINT FOR DAMAGES
 AND EQUITABLE/DECLARATORY
 RELIEF, TEMPORARY RESTRAINING
 ORDER, PRELIMINARY INJUNCTION
 AND PERMANENT INJUNCTION

RONALD M. GEORGE, CARLOS R.)
 MORENO, JOYCE L. KENNARD,)
 KATHRYN MICKLE WERDEGAR,)
 MING W. CHIN, MARVIN R. BAXTER,)
 CAROL A. CORRIGAN, SUPREME)
 COURT OF CALIFORNIA, STATE)
 BAR OF CALIFORNIA, DONALD)
 F. MILES, STATE BAR COURT,)
 BOARD OF GOVERNORS OF STATE)
 BAR OF CALIFORNIA, JOANN M.)
 REMKE, CATHERINE D. PURCELL,)
 JUDITH EPSTEIN, RONALD W.)
 STOVITZ, PATRICE E. McELROY,)
 RICHARD A. PLATEL, LUCY)
 ARMENDARIZ, RICHARD A. HONN,)
 BERNARD A. BURK, KENNETH G.)
 HAUSMAN, SEAN M. SELEGUE,)
 HOWARD, RICE, NEMEROSKI,)
 CANADY, FALK & RABKIN,)
 SCOTT DREXEL, A. HOWARD MATZ,)
 GARY A. FEESS, R. GARY KLAUSNER,)
 MARGARET M. MORROW, GEORGE)
 H. WU, VIRGINIA A. PHILLIPS, AUDREY)
 B. COLLINS, ALICIA G. ROSENBERG,)
 and DOES 1 through 10, Inclusive,)
 Defendants.)

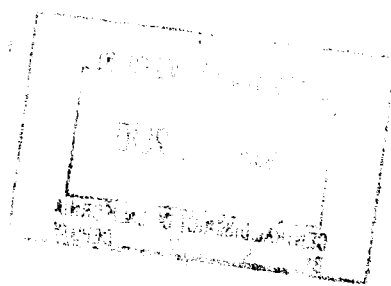
1. DEPRIVATION OF RIGHTS UNDER
 COLOR OF STATE LAW
 (CIVIL RIGHTS ACT, TITLE 42 U.S.C.
 SECTION 1983)
2. INTENTIONAL INTERFERENCE
 WITH ECONOMIC RELATIONS
3. FRAUD

DEMAND FOR JURY TRIAL

DYDZAK V. GEORGE

-1-

COMPLAINT



8/5/2010 1:49:36 PM Receipt #: 143690
 Cashier : KPAGE CLA 1-13
 Paid by: DANIEL D. DYDZAK
 2:CV10-05820
 2010-086900 5 - Civil Filing Fee(1)
 Amount : \$80.00
 2:CV10-05820
 2010-510000 11 - Special Fund F/F(1)
 Amount : \$190.00
 2:CV10-05820
 2010-086400 Filing Fee - Special(1)
 Amount : \$100.00
 Cash Payment : 350.00

COMES NOW Plaintiff Pro Se, DANIEL DAVID DYDZAK, an individual, and alleges as follows:

PRELIMINARY ALLEGATIONS

1. Plaintiff, DANIEL DAVID DYDZAK ("DYDZAK"), is, and at all times herein mentioned was, an adult over eighteen years old and a resident of the County of Los Angeles, State of California.

2. At all times relevant hereto, until on or about May 12, 2010, DYDZAK was a licensed California attorney and member of the State Bar of California. He actively practiced law in the State of California, in both state and federal courts, for over two decades.

3. On or about August 10, 2008, DYDZAK received written notice in the mail that he was placed on inactive status by unlawful, biased, fraudulent and unconstitutional Decision of the California State Bar Court dated August 5, 2008 and effective August 8, 2008. Said Decision recommending the

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DYDZAK V. GEORGE

COMPLAINT

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3 draconian, unlawful and uncalled for measure of disbarment
4 against DYDZAK was written by State Bar Judge, Defendant DONALD
5 F. MILES ("MILES").

6 4. Thereafter, DYDZAK appealed the Decision and filed
7 other post-trial motions in the Review Department of Defendant
8 STATE BAR COURT. In particular, DYDZAK discovered that there
9 were valid and legitimate legal and factual grounds to
10 disqualify State Bar Judge MILES in his matter and set aside
11 MILES' Decision. Notwithstanding same, on or about December 3,
12 2010, the Review Department, in an Opinion and Order on Review
13 by Defendants, Review Judges, JOANN REMKE, CATHERINE D. PURCELL
14 and JUDITH EPSTEIN, unlawfully, unconstitutionally and
15 wrongfully supported MILES' Decision, recommending DYDZAK's
16 disbarment to the California Supreme Court.

17 5. DYDZAK timely filed a Petition for Writ of Review in
18 the California Supreme Court on numerous legal, constitutional
19 and factual grounds, challenging the unlawful and wrongful
20 recommendation of disbarment. On or about May 12, 2010,
21 the Supreme Court of California summarily, unlawfully,
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26 DYDZAK V. GEORGE

COMPLAINT

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3 illegally, unconstitutionally and against DYDZAK's civil rights
4 denied the Petition, without sufficient and detailed
5 explanation. Said Supreme Court further ordered that DYDZAK be
6 disbarred, removed from the roll of attorneys in the State of
7 California, and pay vague, unconstitutional and unsubstantiated
8 disciplinary costs in excess of \$ 15,000. Contrary to the
9 Supremacy Clause of the U.S. Constitution, the Due Process and
10 Equal Protection Clauses of the California Constitution, and
11 other applicable law, DYDZAK was not provided oral argument and
12 written decision on the merits by the highest court in
13 California. Plaintiff is informed and believes, and thereon
14 alleges, that the aforesaid disbarment Order became effective on
15 or about June 11, 2010. As a proximate, direct and legal result
16 of the unlawful actions of the Supreme Court of California, as
17 herein alleged, the aforesaid disbarment Order of the Supreme
18 Court of California was and is, unquestionably, void, voidable,
19 illegal, unconstitutional and against DYDZAK's civil rights.

20 6. Plaintiff is informed and believes, and thereon alleges,
21 that Defendant, THE STATE BAR OF CALIFORNIA ("BAR"), is, and at
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26 DYDZAK V. GEORGE

COMPLAINT

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3 all times herein mentioned was, a public corporation, with two
4 offices in the City of San Francisco and City of Los Angeles,
5 State of California, and responsible for administratively
6 supervising all attorneys licensed in the State of California.

7 7. Plaintiff is informed and believes, and thereon
8 alleges, that Defendant, BOARD OF GOVERNORS OF THE STATE BAR OF
9 CALIFORNIA ("BOARD"), is, and at all times herein mentioned was,
10 an entity comprised of individuals who manage, operate,
11 supervise and otherwise direct all activities of Defendant BAR,
12 with two offices in the City of San Francisco and City of Los
13 Angeles, State of California.

14 8. Plaintiff is informed and believes, and thereon
15 alleges, that Defendant STATE BAR COURT ("COURT") is, and at all
16 times herein mentioned was, a public corporation duly organized
17 and existing under and by virtue of the laws of the State of
18 California. Upon information and belief, said COURT is, and was
19 at all times relevant hereto, set up to oversee disciplinary
20 matters involving attorneys licensed in the State of California,
21 with a Hearing Department and Review Department in Los Angeles
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26 DYDZAK V. GEORGE

COMPLAINT

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3 and San Francisco, California.

4 9. Plaintiff is informed and believes, and thereon
5 alleges, that Defendants JOANN M. REMKE, RONALD W. STOVITZ,
6 PATRICE E. McELROY, DONALD F. MILES, RICHARD A. PLATEL, JUDITH
7 EPSTEIN, LUCY ARMENDARIZ, RICHARD A. HONN and CATHERINE D.
8 PURCELL, are, and at all times herein mentioned were, residents
9 of the State of California. Plaintiff is further informed and
10 believes, and thereon alleges, that the aforementioned
11 individual Defendants are, and at all times herein mentioned
12 were, members and judges of Defendant COURT and/or the Review
13 Department thereof and acting or purportedly acting with the
14 authorization, permission and consent of Defendants COURT, BAR,
15 BOARD, STATE OF CALIFORNIA, and the other individual named
16 Defendants, and acting in concert with the said Defendants, and
17 each of them, to commit the unlawful activity and conduct
18 alleged herein.

19 10. Plaintiff is informed and believes, and thereon
20 alleges, that the individual Defendants referenced and named
21 herein are, and were at all times herein mentioned, agents,
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26 DYDZAK V. GEORGE

COMPLAINT

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3 employees and/or officers of Defendant BAR, STATE OF CALIFORNIA,
4 or the UNITED STATES OF AMERICA.

5 11. Plaintiff is informed and believes, and thereon
6 alleges, that Defendant SUPREME COURT OF CALIFORNIA is, and at
7 all times herein mentioned was, a governmental entity or public
8 corporation duly organized and existing under and by virtue of
9 the laws of the State of California.

10 12. Plaintiff is informed and believes, and thereon
11 alleges, that Defendants, RONALD M. GEORGE ("GEORGE"), CARLOS R.
12 MORENO ("MORENO"), JOYCE L. KENNARD ("KENNARD"), KATHRYN MICKLE
13 WERDEGAR ("WERDEGAR"), MING W. CHIN ("CHIN"), MARVIN R. BAXTER
14 ("BAXTER") and CAROL A. CORRIGAN ("CORRIGAN") [hereinafter
15 collectively "CALIFORNIA SUPREME COURT JUSTICES"], are, and were
16 at all times herein mentioned, justices and members of the
17 current Supreme Court of California. On or about May 12, 2010,
18 Defendants, CALIFORNIA SUPREME COURT JUSTICES, made the illegal,
19 unconscionable and unconstitutional Order to disbar DYDZAK, as
20 herein alleged and described.

21 13. Defendant GEORGE is shortly retiring as Chief Justice
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26 DYDZAK V. GEORGE

COMPLAINT

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3 of Defendant SUPREME COURT OF CALIFORNIA, to a large extent
4 under a cloud of misconduct and ethical and judicial violations,
5 due to his wrongful and unlawful actions towards DYDZAK and for
6 other reasons, as hereinafter alleged. Said Defendant GEORGE, in
7 his blatant and unfair cover-up of the misconduct of State Bar
8 Judge MILES and other State Bar officials and State Bar Court
9 judges, has conspired with the other Defendants, MORENO,
10 KENNARD, WERDEGAR, CHIN, BAXTER and CORRIGAN, to deprive DYDZAK
11 of his civil and constitutional rights and earn a living
12 practicing law, to DYDZAK's extreme prejudice.

13 14. Plaintiff is informed and believes, and thereon
14 alleges, that Defendants, CALIFORNIA SUPREME COURT JUSTICES,
15 are, and were at all times herein mentioned, residents of the
16 City and County of San Francisco, State of California.

17 15. Plaintiff is further informed and believes, and thereon
18 alleges, that Defendants, CALIFORNIA SUPREME COURT JUSTICES,
19 are acting, and at all times herein mentioned were acting, with
20 the authorization, permission and consent of Defendants BAR,
21 BOARD, and the other Defendants herein in doing the unlawful,
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26 DYDZAK V. GEORGE

COMPLAINT

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3 unconstitutional and wrongful acts herein alleged.

4 16. Plaintiff is informed and believes, and thereon
5 alleges, that Defendants, BERNARD A. BURK, KENNETH G. HAUSMAN,
6 and SEAN M. SELEGUE (collectively "HOWARD RICE ATTORNEYS"), are,
7 and were at all times herein mentioned, attorneys duly licensed
8 by the State Bar of California to practice law in said state.

9 17. Plaintiff is informed and believes, and thereon
10 alleges, that Defendants, HOWARD RICE ATTORNEYS, are, and were
11 at all times herein mentioned, residents of the City and County
12 of San Francisco.

13 18. Plaintiff is informed and believes, and thereon
14 alleges, that Defendant, HOWARD, RICE, NEMEROSKI, CANADY, FALK &
15 RABKIN ("HOWARD, RICE"), is, and at all times herein mentioned
16 was, an establishment law firm, with numerous Fortune 500
17 clients, with its head office in the City of San Francisco,
18 State of California.

19 19. Plaintiff is unaware of the exact legal status or
20 capacity of HOWARD, RICE, whether it is a professional
21 corporation, limited partnership, an association or other such
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26 DYDZAK V. GEORGE

COMPLAINT

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3 legal entity. Plaintiff will seek leave to amend this Complaint
4 to set forth such exact legal status or capacity of HOWARD, RICE
5 when same is ascertained, before or at time of trial

6 20. Plaintiff is informed and believes, and thereon
7 alleges, that Defendants, A. HOWARD MATZ, GARY A. FEES, R. GARY
8 KLAUSNER, MARGARET M. MORROW, GEORGE H. WU, VIRGINIA A.
9 PHILLIPS, AUDREY B. COLLINS and ALICIA G. ROSENBERG, are, and at
10 all times herein mentioned were, United States Judges or
11 Magistrates for the United States District Court of the Central
12 District of California.

13 21. Plaintiff is informed and believes, and thereon
14 alleges, that Defendant SCOTT DREXEL is, and was at all times
15 herein mentioned, former Chief Trial Counsel of the State Bar of
16 California. Plaintiff is further informed and believes, and
17 thereon alleges, that said Defendant is, and was at all times
18 herein mentioned, a resident of the County of San Francisco,
19 State of California.

20 22. Plaintiff is ignorant of the true names and capacities
21 of Defendants sued herein as DOES 1 through 10, inclusive, and
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26 DYDZAK V. GEORGE

COMPLAINT

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3 therefore sues said Defendants by such fictitious names.
4 Plaintiff will amend this Complaint in order to allege their
5 true names and capacities when same are ascertained.

6 23. Plaintiff is informed and believes, and thereon
7 alleges, that each of the fictitiously named Defendants is
8 responsible in some manner for the occurrences herein alleged,
9 and that Plaintiff's damages herein alleged were proximately
10 caused by their conduct.

11 24. Plaintiff is informed and believes, and upon such
12 information and belief alleges, that at all times herein
13 mentioned each of the Defendants was the agent, servant and
14 employee of each of the remaining Defendants, and, in doing the
15 acts hereinafter alleged, was acting within the purpose, course
16 and scope of such agency, service and employment, and with the
17 permission and consent of each of the other Defendants.

18 25. DYDZAK was admitted to the practice of law in the
19 State of California on December 17, 1985. In or about August,
20 2006 and January, 2007, the Office of the Chief Trial Counsel
21 ("OCTC") filed Notices of Disciplinary Charges against DYDZAK
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26 DYDZAK V. GEORGE

COMPLAINT

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3 and DYDZAK filed appropriate responses to same.

4 26. DYDZAK believed and found out that the alleged charges
5 were politically motivated, because he had filed in the Los
6 Angeles Superior Court on behalf of clients a major lawsuit
7 against a former State Bar President and establishment lawyer,
8 one Alan Rothenberg. Mr. Rothenberg had political connections
9 with Defendants BAR, BOARD and COURT and knew Defendant DREXEL,
10 the then Chief Trial Counsel, and other members of the Board of
11 Governors. The filing of the NDC charges coincided with DYDZAK's
12 litigating and attempting to settle the case involving Mr.
13 Rothenberg. Rothenberg indeed threatened DYDZAK at the time of
14 his deposition in said litigation that he was "going to get
15 him," referring to his connections with Defendants BAR, BOARD
16 and COURT.

17 27. DYDZAK is informed and believes, and thereon alleges,
18 that Defendant DREXEL, maliciously, unethically,
19 unprofessionally and in conspiracy with Rothenberg, communicated
20 in person and telephonically with said attorney between in or
21 about August, 2006, and continuing throughout 2007 and 2008,
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26 DYDZAK V. GEORGE

27 COMPLAINT
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3 about pursuing disciplinary charges against DYDZAK, despite the
4 lack of merit to said charges and the weakness of the
5 disciplinary allegations against DYDZAK.

6 28. In so doing, Defendant DREXEL, to enrich himself,
7 preserve his employment and be influential in the state bar
8 hierarchy, was improperly currying favor with politically
9 connected, establishment attorneys, such as Rothenberg. Such
10 attorneys are well known to contribute monies to the Foundation
11 of the State Bar of California and are and were on the Judicial
12 Council headed by Defendant George as Chief Justice. Rothenberg
13 was previously associated with high-powered L.A. law firms,
14 Latham, Watkins and Manat, Phelps, Rothenberg & Tunney.

15 29. Plaintiff is informed and believes, and thereon alleges,
16 that Defendant DREXEL's contract of employment as Chief Trial
17 Counsel was several months ago not renewed, in large measure
18 because said Defendant abused his position and was shown through
19 his office to unfairly target practicing attorneys, mostly sole
20 practitioners, on even the most trivial of matters.

21 30. Plaintiff is informed and believes, and thereon
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26 DYDZAK V. GEORGE

COMPLAINT

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3 alleges, that Defendant GEORGE, as a former long-time prosecutor
4 with a conservative, pro-government bent, turned a blind eye to
5 any misconduct by Defendant DREXEL because he met with DREXEL
6 weekly to discuss the administration of the courts in California
7 and state bar matters. Defendant DREXEL was, at all relevant
8 times hereto, either a member of Defendant BOARD and the
9 Judicial Council or closely aligned and involved with and
10 influential in affecting its decisions. Defendant DREXEL's
11 agenda was to increase the size and importance of the bloated,
12 fiscally irresponsible State Bar bureaucracy and his office of
13 enforcement, no matter what ill treatment was meted out to
14 practicing attorneys.

15 31. DYDZAK contested the alleged disciplinary charges,
16 which he believed did not have merit, were politically motivated
17 and were defensible. Moreover, during Defendant DREXEL's tenure
18 as Chief Trial Counsel, Defendant DREXEL and other state bar
19 attorneys earned reputations as being unfair, unethical and
20 targeting sole practitioners and Plaintiff's attorneys.

21 32. One of the State Bar attorneys assigned to DYDZAK's
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DYDZAK V. GEORGE

14-
COMPLAINT

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3 disciplinary proceedings, ELI MORTGENSTERN, even advised and
4 admitted to DYDZAK that his hands were tied to resolve the
5 disciplinary matter involving DYDZAK, because he had marching
6 orders to seek disbarment against DYDZAK, no matter how
7 meritless, insubstantial or untenable any client complaint
8 against DYDZAK was.

9 33. On or about August 5, 2008, Defendant DONALD F. MILES,
10 the State Bar hearing judge in Los Angeles, issued an unfair,
11 unlawful and draconian Decision recommending that DYDZAK be
12 disbarred and placing him on inactive status as of August 8,
13 2008. Defendant MILES took over 200 days to render said
14 decision, making it improbable to conclude that DYDZAK posed a
15 serious, immediate risk of harm to the public after DYDZAK had
16 practiced law more than twenty years with distinction in the
17 State of California.

18 34. Shortly after this decision was filed, DYDZAK
19 discovered that Defendant MILES has, and had at all times herein
20 mentioned, an actual bias, prejudice or conflict of interest, or
21 the appearance of same, because DYDZAK was suing on behalf of
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26 DYDZAK V. GEORGE

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26 COMPLAINT

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3 his prior client, SHANEL STASZ, in Los Angeles Superior Court
4 MILES' former partner and long-time friend of 17 or more years,
5 Defendant BERNARD A. BURK, a partner/director with Defendant
6 HOWARD, RICE as well as defendants such as Charles Schwab and
7 Charles Schwab & Co., long-time clients of said law firm. Prior
8 to his inactive status, DYDZAK was attorney of record for STASZ
9 in LASC Case Nos. BC383161 and BC383162, which litigation
10 involved major HOWARD, RICE clients and exposed said law firm
11 and its partner, Defendant BURK, to major liability.

12 35. In August and September, 2008, accordingly, DYDZAK
13 filed various motions to disqualify Defendant MILES and set
14 aside the State Bar decision. Defendant MILES unethically,
15 unlawfully and improperly ruled on his own disqualification and
16 would not disqualify himself, unlawfully striking the motion
17 from the record. Defendant REMKE, as the presiding judge,
18 improperly delayed ruling, violating DYDZAK's due process and
19 civil rights, and then transferred the disqualification matter
20 to Defendant McELROY. Defendant McELROY, who was the original
21 judge in the proceedings and should not have ruled because of
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26 DYDZAK V. GEORGE

COMPLAINT

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3 this conflict of interest or the appearance of same, denied the
4 disqualification motion, without any written reasoning or oral
5 argument. Such unethical and wrongful action was done to protect
6 Defendant MILES, at the expense of DYDZAK's legal career and
7 professional standing.

8 36. Plaintiff is informed and believes, and thereon alleges,
9 that Defendant McELROY, presently the supervising judge of
10 Defendant COURT, is in another disciplinary case presently under
11 investigation and scrutiny for taking a bribe and spoliation of
12 evidence.

13 37. Not surprisingly, given the developing legal storm and
14 cover-up to "protect the troops at any cost," Defendant Judges
15 REMKE, STOVITZ and EPSTEIN of the Review Department summarily
16 denied DYDZAK's Petition for Review, focusing primarily on the
17 issue of MILES' disqualification, on or about September 25,
18 2008. Defendant SUPREME COURT OF CALIFORNIA, unfairly,
19 wrongfully and unethically aiding in the cover-up, denied
20 DYDZAK's interlocutory Petition For Review on or about November
21 12, 2008, concerning the disqualification of Defendant MILES.
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DYDZAK V. GEORGE

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COMPLAINT

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3 This denial Order patently showed that Defendants, SUPREME COURT
4 OF CALIFORNIA and CALIFORNIA SUPREME COURT JUSTICES, were not
5 interested in upholding the Rule of Law, but instead favored the
6 illegal and biased actions of state bar court judges who they
7 helped appoint and personally knew. Said Order also showed said
8 Defendants cared not one iota about the individual civil and
9 constitutional rights of "politically" targeted and unfairly
10 maligned sole practitioners, such as Plaintiff DYDZAK.

11 38. During the time-frame of the fall of 2008, Defendants,
12 CALIFORNIA SUPREME COURT JUSTICES, including Defendant GEORGE,
13 were well aware that a case involving Defendant HOWARD, RICE,
14 which Defendant SELEGUE was arguing, was before said Court for
15 argument and ruling, to wit, Schatz v. Allan Matkins Leek Gamble
16 & Mallory, LLP. Plaintiff is informed and believes, and thereon
17 alleges, that the ruling in said litigation was reached on
18 January 26, 2009. In derogation and violation of their ethical
19 duties and responsibilities, and raising an undeniable conflict
20 of interest, or the appearance of same, Defendants, CALIFORNIA
21 SUPREME COURT JUSTICES, including Defendant GEORGE, failed to
22 reveal at any time to DYDZAK that their consideration of this
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26 DYDZAK V. GEORGE

COMPLAINT

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3 case would or reasonably could prejudice their review and
4 adjudication of his interlocutory writ in or about November,
5 2008. DYDZAK was making serious allegations about the misconduct
6 of Defendants HOWARD, RICE, BURK and MILES, yet Defendants,
7 CALIFORNIA SUPREME COURT JUSTICES, with bias, illegally and
8 unfairly chose to hear Schatz on the merits and provide written
9 decision and oral argument, while flushing DYDZAK's aforesaid
10 interlocutory writ into the judicial toilet. Denial of said writ
11 sacrificed DYDZAK's legal rights and ability to earn a living,
12 placed him in destitute state, ruined his reputation, and
13 jeopardized his marriage.

14 39. In the fall of 2008, and at all other times relevant
15 thereto, San Francisco-based Defendant HOWARD, RICE bragged in
16 its marketing that several cases it handles or has worked on are
17 routinely before Defendant SUPREME COURT OF CALIFORNIA
18 Defendant HOWARD, RICE has, and had at all relevant times
19 hereto, a politically correct status and reputation for clients
20 as an influential, establishment law firm which could be called
21 upon to represent their legal interests before Defendant SUPREME
22 COURT OF CALIFORNIA and Defendants, CALIFORNIA SUPREME COURT
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26 DYDZAK V. GEORGE

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-17-
COMPLAINT

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3 JUSTICES. It is clear from the illegal cover-up for Defendant
4 MILES, a former clerk with Defendant SUPREME COURT OF
5 CALIFORNIA, that the latter and the justices thereof favor
6 judges and big, well-connected law firms over Plaintiff's
7 attorneys, small law firms and sole practitioners.

8 40. Plaintiff is informed and believes, and thereon
9 alleges, that Defendant HOWARD, RICE regularly makes monetary
10 contributions to the California State Bar Foundation and that
11 certain of its partners/directors have been or are appointed
12 members of the Judicial Council headed by Defendant GEORGE.
13 Furthermore, Plaintiff is informed and believes, and thereon
14 alleges, that in the Bay area Defendants, HOWARD RICE ATTORNEYS,
15 and other attorneys employed by Defendant HOWARD, RICE are so
16 socially and in legal circles intimately connected to Defendant
17 GEORGE and the other Associate Justices of Defendant SUPREME
18 COURT OF CALIFORNIA, that this interaction clearly affected,
19 influenced and prejudiced the latter's review of DYDZAK's
20 disciplinary case.

21 41. In his state bar court case, DYDZAK filed subsequent,
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26 DYDZAK V. GEORGE

27 COMPLAINT
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3 numerous and bonafide motions in the Review Department of
4 Defendant COURT and approximately five interlocutory petitions
5 for review before Defendant SUPREME COURT OF CALIFORNIA. These
6 included but were not limited to the issue of disqualifying
7 Defendant MILES and the Review Judges and setting aside his
8 decision of August 5, 2008, as void or voidable due to bias,
9 prejudice or conflict of interest, or the appearance of same.
10 The Supreme Court denied the Writs summarily, not ruling on the
11 merits. The Review Judges, in particular, Defendants REMKE,
12 PURCELL and EPSTEIN, continued to wrongfully and unethically
13 rule on their own disqualification and strike key pleadings and
14 evidence from the state bar record. They willfully perjured
15 themselves by falsely claiming they did not know about being
16 formally investigated by the Judicial Performance Committee of
17 the State of California (which investigation was ongoing at that
18 time), being served with motions, and being sued in federal
19 court by Plaintiff, a case which was dismissed without prejudice
20 on or about January 26, 2010 by the Ninth Circuit Court of
21 Appeals on procedural grounds. A subsequently refiled lawsuit is
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26 DYDZAK V. GEORGE

COMPLAINT

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3 now pending before the Ninth Circuit.

4 42. In or about October, 2008, DYDZAK found out that two
5 partners/directors with Defendant HOWARD, RICE, Defendants
6 HAUSMAN and SELEGUE, had illegally gained access to Defendant
7 MILES' tainted bar decision and attached it with a sworn and
8 dated Declaration as an Exhibit in one of the Staz LASC cases on
9 or about September 27, 2008. Said attorneys never duly and
10 properly paid for or ordered same from the Clerk's Office of
11 Defendant COURT. Since said decision was not posted on the
12 internet until January or February, 2009, this "smoking gun"
13 factor proved that Defendant MILES and/or agents/employees of
14 Defendant COURT had impermissibly and unlawfully communicated
15 with Defendants SELEGUE, HAUSMAN and other HOWARD, RICE
16 personnel and lawyers about DYDZAK's bar disciplinary
17 proceeding. This evidenced an actual bias, prejudice and/or
18 conflict of interest, or the appearance of same, by Defendant
19 MILES, mandating his disqualification and the setting aside and
20 reversing of his decision dated August 5, 2008.

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22 43. To date, despite demand therefor from DYDZAK, neither
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26 DYDZAK V. GEORGE

COMPLAINT

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3 Defendants SELEGUE, HAUSMAN nor HOWARD RICE have produced
4 credible evidence that they, or any of them, properly received a
5 copy of MILES' decision lawfully. Plaintiff is informed and
6 believes. and thereon alleges, that Defendant MILES in or about
7 July, August and September, 2008, had improper telephonic
8 communications with Defendants BURK, SELEGUE, HAUSMAN and other
9 HOWARD, RICE personnel concerning and affecting DYDZAK's
10 disciplinary case and the disqualification issues of Defendant
11 MILES thereto. Defendant MILES has failed and refused, and
12 continues to fail and refuse, to produce his telephonic records
13 during this time frame which would prove he did communicate
14 with the aforesaid individuals.

15 44. On or about December 3, 2009, the Review Department of
16 Defendant COURT, despite a flagrant and disturbing pattern of
17 numerous acts of bias, prejudice and conflict of interest (or
18 the appearance of same), and numerous constitutional and civil
19 rights violations by Defendants MILES, REMKE, PURCELL, STOVITZ,
20 EPSTEIN, McELROY and ARMENDARIZ and the other Defendants, as
21 herein alleged, affirmed and modified Defendant MILES' tainted,
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26 DYDZAK V. GEORGE

COMPLAINT

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4 biased and unlawful decision by issuing an Opinion and Order on
5 Review recommending DYDZAK's disbarment. Defendants REMKE,
6 EPSTEIN and PURCELL had no jurisdiction to issue such an Opinion
7 and Order On Review on the aforesaid date since there was a Writ
8 pending before the California Supreme Court.

9 45. On or about January 25, 2010, Charles Nettles, a deputy
10 court clerk with Defendant COURT, and Michelle Cramton, a State
11 Bar Administrator, were directed by Defendants REMKE, PURCELL
12 and EPSTEIN of the Review Department to transmit its unfair,
13 unlawful, and biased recommended decision of disbarment to the
14 California Supreme Court. Upon information and belief, on or
15 about January 27, 2010, Mr. Nettles and Ms. Cramton unlawfully
16 and unconstitutionally served notice of said Transmittal of
17 State Bar Court Recommendation, despite the fact that the Review
18 Judges should have disqualified themselves and DYDZAK had not
19 duly exhausted his post-decision remedies before petitioning
20 Defendant SUPREME COURT OF CALIFORNIA.

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22 46. On or about January 27, 2010, Defendant BAR, by and
23 through the Office of Chief Trial Counsel, and Mr. Nettles
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COMPLAINT

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3 also served by mail a certificate of costs in DYDZAK's state bar
4 disciplinary case, Case No. 04-0-14383, 06-0-10960. This
5 included an unconscionable, unlawful, vague, unconstitutional
6 and excessive "base charge" assessment and other alleged costs
7 totaling \$ 15,209.31 which are being sought against DYDZAK. The
8 base assessment in question evidences that Defendants COURT, BAR
9 and BOARD and Defendant JUDGES and employees/agents have a
10 biased incentive and agenda to prosecute attorneys such as
11 Plaintiff to reap an unjust windfall for themselves and
12 perpetuate the Bar bureaucracy. In DYDZAK's disciplinary matter,
13 the Defendant Judges could and cannot be fair and impartial when
14 there is, and was at all times herein mentioned, a clear-cut
15 economic incentive for them to discipline attorneys.

16 47. At all times relevant hereto, and continuing to the
17 present, a series of internet articles at the Leslie Brodie blog
18 and other easily accessible world-wide web sources have exposed
19 numerous instances of misconduct and unfortunate judicial
20 corruption by State Bar Court Judges. For instance, former State
21 Bar Judge, Defendant STOVITZ, continued to make rulings as a
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26 DYDZAK V. GEORGE

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4 Judge Pro Tem when he had no judicial mandate to do so from the
5 Supreme Court of California. In another matter, Review Judge
6 EPSTEIN used her influence to obtain a favorable disciplinary
7 resolution for a former associate of her defunct law firm.

8 48. Community activist and actor, PERRY F. CARAVELLO, has
9 lodged a formal complaint on or about July 26, 2010, with the
10 Committee on Judicial Performance of the State of California
11 concerning misconduct by Defendant GEORGE. For instance,
12 CARAVELLO alleges that Defendant GEORGE flagrantly and
13 unethically received illegal payments from Los Angeles County
14 of approximately \$ 30,000 per annum while he was a Los Angeles
15 Superior Court Judge and did not report such payments on
16 required Form 700. Defendant GEORGE continued to turn a blind
17 eye to said illegal payments when he was appointed to the
18 Supreme Court of California. Such actions resulted in California
19 taxpayers being defrauded of more than \$ 300 million dollars
20 over a twenty-year period. This situation has been documented in
21 the well-known case of incarcerated Richard Fine, a disbarred
22 attorney who exposed said bribery and corruption and claims he
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26 COMPLAINT
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3 is being politically persecuted for his stance.

4 49. Defendants MATZ, FEESS, KLAUSNER, MORROW, PHILLIPS, WU,
5 COLLINS and ROSENBERG, beginning November 25, 2008, and
6 continuing to the present, violated DYDZAK's civil and
7 constitutional rights by conspiring, individually and in
8 concert, to protect the Defendant Judges of the State Bar Court
9 and Review Department, as well as certain bar officials and
10 agents, from liability and a finding that DYDZAK's civil and
11 constitutional rights were violated, as herein alleged. Said
12 federal judges and magistrate engaged, without limitation, in
13 the following unlawful and wrongful conduct:

14 (i) In federal lawsuits, DYDZAK v. STATE OF CALIFORNIA et
15 al. (CV 08-7765-VAP-AGR), DYDZAK v. REMKE et al. (CV 10-828-UA
16 (AGR)), and DYDZAK v. REMKE et al. (CV 10-1297- AHM(AGRx)) not
17 allowing DYDZAK to prosecute said cases, conduct discovery,
18 grant appropriate declaratory and injunctive relief, and obtain
19 a waiver of the filing fee due to DYDZAK's indigent status in
20 order to protect the State Bar and State Bar Court Defendants
21 named herein, particularly state judges and state officials;

22 (ii) Falsely claiming that the cases were barred by the
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COMPLAINT

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3 doctrines of federal abstention and quasi-judicial and judicial
4 immunity, in order to protect the State Bar and State Bar Court
5 Defendants named herein, particularly state judges and state
6 officials;

7 (iii) Unilaterally taking the case of DYDZAK v. REMKE et al.
8 (CV 10-1297) from fair and principled United States District
9 Judge, PERCY ANDERSON, who discharged an OSC and properly ruled
10 that the case was not barred by res judicata and presented
11 triable issues not barred by federal abstention;

12 (iv) Unilaterally and illegally not allowing principled and
13 fair U.S. District Judge PERCY ANDERSON to issue appropriate
14 declaratory and injunctive relief to DYDZAK by "politically"
15 reassigning Case No. CV 10-1297, by senior judge Defendant
16 FEESS, to U.S. District Judge, Defendant MATZ and Defendant-
17 Magistrate ROSENBERG. The latters' proven track record and
18 biased modus operandi are, and have been at all times herein
19 mentioned, to rule against DYDZAK, no matter what the facts and
20 evidentiary record are, to ensure that he was disbarred to
21 protect the illegal actions and conduct of Defendants herein.

22 (v) Defendant COLLINS, as chief judge of the United States
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3 District Court for the Central District of California,
4 repeatedly condoning the pattern of misconduct and violation of
5 DYDZAK's civil and constitutional rights engaged in by certain
6 federal judges in her judicial district, notably Defendants
7 PHILLIPS and ROSENBERG; further denying access by DYDZAK to the
8 Central District Court by illegally denying him a waiver of a
9 filing fee despite his clearly indigent status on bogus,
10 deliberately misstated legal grounds.

11 (vi) Violating DYDZAK's due process and equal protection
12 rights guaranteed by the 5th and 14th Amendments, and other
13 applicable law, so that DYDZAK could not have his day in court,
14 a trial on the merits, thereby depriving DYDZAK of practicing
15 law and unfairly and illegally leading to his disbarment at
16 present.

17 (vii) Denying DYDZAK oral argument, a trial on the merits
18 and appropriate injunctive and declaratory relief, because of
19 their bias, inability and reluctance to rule against any judge
20 in the California judiciary and uphold the Rule of Law.

21 (viii) Striking key pleadings from the record, issuing
22 certain rulings without jurisdiction, not disqualifying
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COMPLAINT

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3 themselves despite a showing of bias or appearance of same, and
4 deliberately misstating the evidentiary record, rulings and
5 pleadings.

6 (ix) Intentionally delaying and making adverse rulings and
7 not allowing DYDZAK a waiver of the filing fee for Case No. CV
8 10-828-UA (AGR) to retaliate against DYDZAK for exposing the
9 bias and prejudice of Defendants ROSENBERG and PHILLIPS before
10 the Ninth Circuit Court of Appeals and Associate Justice Stephen
11 Breyer of the United States Supreme Court.

12 (x) Chief United States District Judge, Defendant COLLINS,
13 willfully and intentionally condoning the unlawful actions of
14 certain Judges of the United States Central District as well as
15 the named Defendants, by on February 11, 2010: (a) falsely
16 ruling in Case No. CV 10-828-UA (AGR) that the case failed to
17 state a claim for relief and that judges and clerks enjoyed
18 immunity; (b) refusing a waiver of the filing fee despite
19 DYDZAK's indigent status against his due process rights.
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21 (xi) Chief United States District Judge Defendant COLLINS
22 willfully and intentionally trying to intimidate DYDZAK by
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26 DYDZAK V. GEORGE

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4 having an U.S. Marshall contact him telephonically in or about
5 March, 2010. Said Marshall at COLLINS' insistence falsely
6 claimed that DYDZAK had allegedly mistreated federal court
7 staff when he had not. DYDZAK had instead simply exercised his
8 First Amendment Right of Expression when politely talking to
9 said staff.

10 (xii) The aforesaid federal judges except on one occasion
11 violating the California and U.S. Constitutions, and DYDZAK's
12 civil rights, by repeatedly not allowing DYDZAK to make an
13 evidentiary record through oral argument. So the politics of
14 the sensitive subject matter of this litigation can be hidden
15 from the press and public at large, DYDZAK has been refused
16 without justification oral argument for any dispositive motion
17 before any U.S. District Judge, against his constitutional
18 and civil rights.

19 50. Beginning on or about August 5, 2008, and continuing to
20 the present, the State Bar and State Bar Judge Defendants, and
21 each of them, violated DYDZAK's civil and constitutional rights,
22 including but not limited to a fair trial and post-trial
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proceedings, by the following, without limitation:

(i) Defendant MILES and then the Review Judges not setting aside Defendant MILES' decision of August 5, 2008, contrary to the 5th and 14th Amendments and other applicable law, since same is void and/or voidable due to bias, prejudice, conflict of interest or the appearance of same;

(ii) Not providing DYDZAK a fair trial and post-trial proceedings as guaranteed by the 5th and 14th Amendments and other applicable law;

(iii) Not disqualifying Defendant MILES due to his actual prejudice, bias and conflict of interest against DYDZAK or the appearance of same;

(iv) Improperly upholding Defendant MILES' ruling on his own disqualification;

(v) Defendant MILES willfully perjuring himself as a judicial officer in violation of the Canons of Ethics, falsely claiming in his decision that he was not served with disqualification pleadings when he was as required by statute;

(vi) Not reinstating DYDZAK to active status retroactively as a licensed attorney, knowing that his

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COMPLAINT

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3 DYDZAK's professional work primarily as a Plaintiff's attorney.

4 (xiv) Defendant MILES not disqualifying himself and writing
5 a biased decision against DYDZAK when this judge knew or was
6 aware that DYDZAK represented Shanel Stasz in two pending LASC
7 lawsuits, which exposed his long-time friend and prior partner,
8 Bernard Burk, former law firm, HOWARD, RICE, as well as
9 prominent clients such as Charles Schwab & Co., Charles Schwab
10 and the Hugo Quakenbush Trust and Estate to major multimillion
11 dollar liability.

12 (xv) Defendant MILES not disqualifying himself and writing a
13 biased decision against DYDZAK when a sworn Declaration from
14 Sean Selegue, Esq. dated September 26, 2008, provides
15 irrefutable evidence of contacts and communications of attorneys
16 SELEGUE and HAUSMAN obtaining key pleadings from Defendant COURT
17 without ordering or paying for same. Defendant SELEGUE had
18 physical possession of the Miles' decision dated August 5, 2008,
19 many months before it was posted on the internet and did not
20 order or pay for same. Defendants SELEGUE and HAUSMAN were
21 intimately familiar with DYDZAK's disciplinary proceedings,
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COMPLAINT

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3 which shows that this information was provided to them by
4 Defendant MILES and agents/employees of Defendant COURT under
5 his control or supervision.

6 (xvi) Defendant MILES having an actual conflict of interest,
7 prejudice or bias, or the appearance of same, and improperly,
8 unethically and unlawfully ruling on his own disqualification.
9 The Motion for Disqualification in question was filed on August
10 15, 2008. Judge MILES illegally ruled on his own
11 disqualification on August 20, 2008, in derogation of his duties
12 and responsibilities as a judicial officer.

13 (xvii) Defendant MILES' very act of ruling on his own
14 disqualification and unlawfully and unethically striking
15 DYDZAK's meritorious disqualification motion from the record
16 shows he had and has an actual bias, prejudice or conflict of
17 interest, or the appearance of same. Such conduct violated
18 DYDZAK's civil and constitutional rights as well as Section
19 106(e)(4) of the State Bar Rules of Procedure, C.C.P. Section
20 170.1(a)(6) and Canon 3C(1) of California's judicial ethics.

21 (xviii) Presiding and Review Judge REMKE and Supervising
22 Judge McELROY unconstitutionally and unlawfully taking more than
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26 DYDZAK V. GEORGE

COMPLAINT

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3 two weeks (until September 5, 2008) to act on the
4 disqualification issue of Defendant MILES.

5 (xix) Defendant McELROY violating her judicial duties and
6 unethically and unlawfully acting in ruling on the
7 Reconsideration Motion concerning Judge MILES' disqualification
8 and the striking of his disqualification motion. Defendant
9 McELROY had an actual and inherent conflict of interest,
10 prejudice and bias, or the appearance of same, because (1) she
11 was specifically requested in writing not to rule on same because
12 she was the original trial judge; and (2) she was the original
13 trial judge who transferred the case to Judge MILES, and as such
14 had preconceived conceptions and ideas about DYDZAK and the
15 MILES' decision which would not allow her to be impartial and
16 unbiased.

17 (xx) On or about September 25, 2008, Review Department
18 Judges ruling en banc on the disqualification of Defendant
19 MILES, summarily denying same. This action was biased, violated
20 DYDZAK's civil rights and was unconstitutional for a number of
21 reasons: (1) There was an unnecessary and improper 40-day delay
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3 against due process; (2) The Review Department did not require
4 the State Bar of California to brief the disqualification issue;
5 (3) DYDZAK was not afforded oral argument; (4) The Review
6 Department did not issue a sufficiently detailed decision to
7 explain itself; (5) Presiding Judge REMKE should not have been a
8 member of the Review Department, because of her inherent and
9 actual conflict of interest and bias, or the appearance of same,
10 being both the Presiding Judge and the Review Judge. (6) Judge
11 REMKE should not have ruled on behalf of the Review Department,
12 because of her extensive involvement in the disqualification
13 matter at the hearing department stage.

14 (xxi) The Review Petition for Interlocutory Relief re the
15 Disqualification of Defendant MILES was impermissibly
16 intercepted and reviewed by Supervising Judge McELROY and this
17 delayed the filing thereof.

18 (xxii) Judge MILES perjured himself in a court pleading
19 denying the disqualification and striking the disqualification
20 motion by falsely claiming that he was not served with
21 disqualification pleadings, even though his clerks have always
22 accepted all disqualification pleadings for him per statutory
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3 requirements and as attested to by Anthony Rogell in sworn
4 Declarations which are part of the record.

5 (xxiii) The Notice of Disciplinary Charges involving DYDZAK
6 did not properly notify him in writing that he could be placed
7 on inactive status with no Order to Show Cause hearing, a
8 violation of his civil rights and procedural and substantive due
9 process.

10 (xxiv) DYDZAK was denied his right to a fair trial and in
11 post-trial proceedings concerning the disqualification of
12 Defendant MILES and the reversing or setting aside of MILES'
13 decision dated August 5, 2008. Actual bias and the facts
14 surrounding such disqualification mandated recusal of State Bar
15 Judge MILES. The Stasz litigation, the timing of Defendant
16 MILES' decision, his relationship with Bernard Burk, his law
17 firm and their clients, Judge MILES' dishonesty re service and
18 ruling on and striking his own disqualification more than met
19 the state and federal law standard for disqualification.
20

21 (xxv) Defendant MILES not disqualifying himself and setting
22 aside his decision of August 5, 2008, against DYDZAK, despite
23 knowing about Stasz' litigation (LASC Case Nos. BC383161 and
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3 BC383162) whereby: (1) his long-time friend and former partner,
4 Bernard Burk, was being sued for millions of dollars in damages
5 and implicating HOWARD, RICE in major malfeasance and
6 corruption; and (2) both cases involving the Estate and/or Trust
7 of Hugo Quakenbush, the latter being the late co-founder of
8 Charles Schwab & Co. and one of the law firm's, Burk's and
9 MILES' long-time clients. MILES' decision was reached on August
10 5, 2008, during the period of service on Burk.

11 (xxvi) DYDZAK being denied procedural and substantive due
12 process and equal protection contrary to his civil rights and
13 the 5th and 14th Amendments by being put on inactive status by
14 Defendants MILES and COURT without a hearing or OSC.

15 (xxvii) Defendant MILES not disclosing at any time prior to
16 his decision of August 5, 2008, his professional relationship
17 and friendship with attorney Bernard Burk.

18 (xxviii) Defendant MILES not disqualifying himself and
19 setting aside his decision of August 5, 2008, against DYDZAK,
20 despite being aware of the STASZ litigation prior to DYDZAK's
21 inactive status and that Bernard Burk, Esq. was displeased STASZ
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COMPLAINT

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3 was pursuing legal claims against Burk and HOWARD, RICE clients.

4 (xxix) Upon receiving the original disqualification motion,
5 Defendant MILES improperly did not give that motion to another
6 State Bar Judge to rule upon as required by state bar rules of
7 procedure, the canons of ethics and other applicable law.

8 (xxx) Defendant MILES not disqualifying himself and setting
9 aside his decision of August 5, 2008, against DYDZAK, despite
10 being a party to a federal lawsuit involving Plaintiff and the
11 subject of a formal investigation of which he is and was aware.

12 (xxxii) Defendant MILES falsely and perjurally claiming that
13 he was not duly served with disqualification pleadings when
14 Anthony Rogell has provided sworn and dated Declarations that
15 service was effectuated on said judge or his clerk, as required
16 by statute, with regard to all such pleadings.

17 (xxxiii) At all relevant times, Defendants REMKE, EPSTEIN and
18 PURCELL have refused to disqualify themselves in DYDZAK's
19 disciplinary case despite being formally investigated and being
20 parties and sued in a federal lawsuit involving Plaintiff.

21 (xxxiiii) Defendant MILES showing his bias by leaving out
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3 key evidence and exculpatory factors in his decision of August
4 5, 2008 against DYDZAK, including failing to properly grant a
5 dispositive motion to dismiss the LaFlamme count in the Notice
6 of Disciplinary Charges.

7 (xxxiv) At all relevant times, Defendants REMKE, EPSTEIN and
8 PURCELL have perjured themselves by falsely claiming they were
9 unaware of being sued in federal court, formally investigated,
10 and served with disqualification and other motions in DYDZAK's
11 disciplinary case.

12 (xxxv) Defendant MILES and agents and employees of Defendant
13 COURT having unlawful and improper communications and contacts
14 with HOWARD, RICE attorneys, Sean Selegue, Kenneth Hausman and
15 Bernard Burk, concerning DYDZAK's disciplinary case.

16 (xxxvi) Defendant MILES and agents and employees of
17 Defendant COURT unlawfully and improperly providing information
18 and pleadings to HOWARD RICE attorneys, Sean Selegue, Kenneth
19 Hausman and Bernard Burk, concerning DYDZAK's disciplinary case.
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21 (xxxvii) At all relevant times, Defendants REMKE, EPSTEIN
22 and PURCELL unlawfully striking key motions, including
23 disqualification motions, from the record in DYDZAK's
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26 DYDZAK V. GEORGE

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3 disciplinary case, showing actual bias, prejudice and conflict
4 of interest, or the appearance of same.

5 (xxxviii) At all relevant times, Defendant ARMENDARIZ
6 wrongfully and unethically refusing to disqualify herself in
7 DYDZAK' disciplinary case, and further wrongfully and
8 unethically striking the disqualification motion concerning
9 herself from the record in DYDZAK's disciplinary case.

10 (xxxix) On or about February 9, 2009, Defendants and State
11 Bar Review Judges REMKE, EPSTEIN and PURCELL wrongfully "hiding"
12 an Order denying their disqualification in duplicity and
13 conspiracy with Case Administrator, ROSALIE RUIZ. The subject
14 Order was filed on February 9, 2009, but not properly served on
15 DYDZAK. Plaintiff was deliberately left off the service list.
16 The Order with the doctored proof of service was sent to
17 DYDZAK's former counsel, Edward Lear, but not DYDZAK. Only when
18 DYDZAK filed a request for a ruling did he finally obtain the
19 Order with two proofs of service affixed thereto.

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21 (xxxx) At all relevant times, the Review Judges improperly,
22 unlawfully and deliberately did not rule on a second extension
23 request by DYDZAK to pay for the reporter's transcript while
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3 subject to disqualification review by the California Supreme
4 Court. They further unlawfully refused to disqualify themselves
5 or refer the matter to the California Supreme Court or Judicial
6 Council.

7 (xxxxi) In taking the actions herein described, DYDZAK's
8 civil rights were violated as well as the 5th and 14th Amendments
9 as well as Article 1, Section 7(a) of the Constitution of the
10 State of California.

11 (xxxxii) In taking the actions herein described and not
12 disqualifying themselves due to their actual bias, prejudice,
13 conflict of interest, or the appearance of same, Defendants
14 MILES, ARMENDARIZ, REMKE, STOVITZ, EPSTEIN, McELROY and PURCELL
15 violated DYDZAK's civil rights.

16 (xxxxiii) In delaying ruling numerous times on DYDZAK's
17 motions, as herein alleged, Plaintiff's civil rights were
18 violated as well as Rule 1013 of the Rules of Procedure of the
19 State Bar Court.

20 (xxxxiv) In not deciding and adjudicating matters fairly,
21 correctly and efficiently, Defendants MILES, ARMENDARIZ, REMKE,
22 STOVITZ, EPSTEIN, McELROY and PURCELL violated DYDZAK's civil
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COMPLAINT

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3 rights as well as Rule 1015 of the Rules of Procedure of the
4 State Bar Court.

5 (xxxxv) In acting unfairly and unlawfully, as herein
6 described, Defendants MILES, ARMENDARIZ, REMKE, STOVITZ, EPSTEIN,
7 McELROY and PURCELL did not perform the duties of their office
8 impartially and diligently. Such conduct violated DYDZAK's civil
9 rights and Canon 3 of the California Code of Judicial Ethics.

10 (xxxxvi) The unlawful actions of Defendants MILES,
11 ARMENDARIZ, REMKE, EPSTEIN, McELROY and PURCELL, in ruling on
12 their own disqualification and not reinstating DYDZAK, have
13 affected his career, standing in his former profession, his
14 ability to earn a living, his former clients' cases, upcoming
15 court proceedings and appearances, and contributed substantially
16 to the demise of his marriage, now ending in divorce.

17 (xxxxvii) The unlawful non-service of the February 9, 2009
18 Order for over a month violated DYDZAK's civil rights, due
19 process and equal protection, and constituted judicial politics,
20 unfairness and bias towards DYDZAK.

21 (xxxxviii) Placing DYDZAK on inactive status before all
22 appellate remedies were pursued, and without an Order to Show
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COMPLAINT

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3 Cause hearing, violated DYDZAK's civil rights as well as Business
4 and Professions Code, Sections 6077©(4) and 6083.

5 (xxxxix) DYDZAK was unconscionably, unlawfully and
6 unconstitutionally assessed \$ 15,209.31 for alleged costs of
7 prosecution in his disciplinary case. Such assessment
8 demonstrates that Defendants COURT, BAR, BOARD, and the
9 Defendant Judges, as well as Defendant Bar officials, employees
10 and agents, have a predisposed economic incentive and bias to
11 pursue disciplinary proceedings against attorneys such as
12 DYDZAK, particularly sole practitioners and Plaintiff's
13 attorneys, because of their pro-government political slant,
14 desire to raise revenue for Defendant, BAR, COURT and BOARD, and
15 perpetuate a bloated Bar bureaucracy.

16 (xxxxx) In inordinately delaying ruling on motions involving
17 his disciplinary case, DYDZAK's civil rights were violated as
18 well as his due process right to reasonable and speedy
19 adjudication contrary to the 5th, 6th and 14th Amendments.
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21 (xxxxxi) At all relevant times, Defendant RUIZ engaged in
22 preparing, dating and signing fraudulent proofs of service on
23 behalf of Defendants COURT, REMKE, EPSTEIN and PURCELL, in order
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26 COMPLAINT

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3 that DYDZAK would not receive pleadings timely and to prejudice
4 his rights.

5 (xxxxxii) Defendants, COURT, REMKE, PURCELL and EPSTEIN,
6 unlawfully and against procedural and substantive due process,
7 held oral argument in DYDZAK's disciplinary case when they had
8 no jurisdiction to do so, by virtue of their being pending Writs
9 to the California Supreme Court and their being subject to
10 disqualification.

11 (xxxxxiii) At all relevant times, CHARLENE FOSTER, an
12 employee of Defendant BAR, in conspiracy and duplicity with BAR
13 attorney, Danielle Lee, Esq. perjured herself on a proof of
14 service, so that DYDZAK would be prejudiced in his receipt of
15 opposition papers filed in his prior federal lawsuit.

16 (xxxxxiv) In or about December, 2009, and January, 2010,
17 and on other previous occasions, Defendants REMKE, EPSTEIN and
18 PURCELL struck major motions and evidence from the record in
19 DYDZAK's disciplinary case, as well as improperly and unlawfully
20 ruled on their own disqualification, showing their outright bias
21 and hostility towards DYDZAK.

22 (xxxxxv) The pattern of delaying ruling by Defendants
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COMPLAINT

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3 MILES, REMKE, EPSTEIN, PURCELL, STOVITZ and McELROY, violated
4 DYDZAK's civil rights and to be reinstated as an active member
5 of the State Bar of California so that he could earn a living.

6 (xxxxxvi) The Orders and decisions of Defendants COURT,
7 MILES, REMKE, EPSTEIN, PURCELL, STOVITZ and McELROY, demonstrate
8 bias, prejudice and conflict of interest, or the appearance of
9 same, to such an extent that they are void or voidable and
10 violate DYDZAK's constitutional and civil rights.

11 (xxxxxvii) The State Bar Rules of Procedure and State Bar
12 Act violate DYDZAK's constitutional rights, and are
13 unconstitutional on their face, insofar as the Presiding Judge
14 has adjudicatory functions over both the Hearing Department and
15 Review Department. As Presiding Judge, Defendant REMKE received
16 pleadings, papers, letters and other authority at the Hearing
17 Department stage concerning the disqualification of Judge MILES.
18 It was consequently improper and unlawful for her to be a member
19 of the Review Department in ruling against DYDZAK. Defendant
20 REMKE had an actual prejudice, conflict of interest or bias, or
21 the appearance of same, as a direct, proximate and legal result
22 thereof.
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26 DYDZAK V. GEORGE

48
COMPLAINT

(xxxxxviii) At all relevant times, Defendants REMKE, EPSTEIN and PURCELL unlawfully issued Orders and the Opinion on Review and Order on December 3, 2009, when they had no jurisdiction to do so as Writs were pending before the California Supreme Court and had not been adjudicated.

51. In summarily disbarring DYDZAK, without written decision on the merits and not affording DYDZAK oral argument and briefing, Defendants SUPREME COURT OF CALIFORNIA and CALIFORNIA SUPREME COURT JUSTICES violated DYDZAK's civil and constitutional rights, including but not limited to violating the Supremacy Clause of the U.S. Constitution and the due process and equal protection clauses of the U.S. and California Constitutions. Furthermore, in not disclosing their relationship with HOWARD RICE and SELEGUE, and not respecting the Rule of Law towards DYDZAK, said Defendants, and each of them, unlawfully covered up for the corruption of the California Judiciary and certain State Bar Court and Review Judges, particularly the misconduct and malfeasance of Defendant MILES, as hereinbefore alleged.

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DYDZAK V. GEORGE

COMPLAINT

FIRST CAUSE OF ACTION
(DEPRIVATION OF RIGHTS UNDER COLOR OF STATE LAW)
(AGAINST ALL NAMED DEFENDANTS OTHER THAN
HOWARD, RICE, BURK, SELEGUE AND HAUSMAN)

52. Plaintiff refers to and incorporates, as though fully set forth herein, the preceding Preliminary Allegations and Paragraphs of the Complaint, including Paragraphs 1 through 51, inclusive.

53. This is an action for deprivation of constitutional rights under color of state law brought pursuant to the recodification Section 1979 of the Civil Rights Act of 1971, Title 42 United States Code, Section 1983, for remedies for Defendants' deprivation of Plaintiff's civil rights. Through this action, Plaintiff seeks all legal and equitable relief to which he may be entitled, including, but not limited to compensatory and punitive damages, attorney's fees and costs, prejudgment interest, and injunctive relief against the aforementioned Defendants and each of them.

54. Defendants, and each of them, have engaged in the

DYDZAK V. GEORGE

50-
COMPLAINT

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3 unlawful and wrongful conduct and acts herein alleged, and
4 thereby violated his civil rights.

5 55. At all times herein mentioned, Plaintiff was, and now
6 is, a resident of Los Angeles County, State of California.

7 56. At all times herein mentioned, Defendants, and each of
8 them, acted under color of their authority as such in doing all
9 the things herein mentioned and taking the actions herein
10 alleged.

11 57. In taking the actions herein alleged, Defendants
12 acted, and continue to act, under color of and pursuant to the
13 laws, statutes, ordinances, regulations, customs, and usages of
14 the State of California, the State Bar of California, and the
15 the State Bar Court and pursuant to the official policies and
16 practices of said Defendants.

17 58. By reason of the aforesaid conduct of Defendants and
18 each of them, Plaintiff was deprived of rights, privileges, and
19 immunities secured to him by the Constitution of the United
20 States and laws enacted thereunder in that the unlawful,
21 wrongful and oppressive conduct herein alleged amounted to an
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26 DYDZAK V. GEORGE

COMPLAINT

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3 arbitrary, vindictive, malicious and unprofessional intrusion by
4 Defendants into the security, safety and well-being of
5 Plaintiff's privacy, person, and livelihood and were not
6 authorized by law. Furthermore, the herein described civil
7 rights violations and unlawful and wrongful actions to
8 Plaintiff's person and livelihood and deprived Plaintiff of
9 liberty and property without due process of law, including the
10 ability to practice law as an active member of the State Bar of
11 California.

12 59. Jurisdiction of the subject matter of this action is
13 established in this Court under Title 28 of the United States
14 Code, Section 1343.

15 60. As a direct, legal and proximate result of Defendants'
16 actions against Plaintiff, as alleged above, Plaintiff has been
17 harmed in that Plaintiff was injured, subjected to humiliation,
18 indignity, undue emotional trauma and stress and prevented from
19 transacting and attending to his normal business and personal
20 affairs. Plaintiff suffered great physical and mental pain and
21 suffering, all to his general damage in an amount according to
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DYDZAK V. GEORGE

52-
COMPLAINT

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3 proof at or before trial.

4 61. As a direct, legal and proximate result of the
5 Defendants' actions and conduct, Plaintiff has also incurred
6 special damages and medical expenses, in an amount according to
7 proof at or before trial.

8 62. The above-recited actions of Defendants, and each of
9 them, in depriving Plaintiff of his constitutionally protected
10 rights were done with evil motive and intent, maliciously and
11 with reckless or callous indifference to Plaintiff's rights.
12 Plaintiff is therefore entitled to an award of exemplary or
13 punitive damages, according to proof.

14 63. Plaintiff is informed and believes, and thereon
15 alleges, that Defendants will continue in their unlawful
16 conduct, unless and until restrained by the Court. If Defendants
17 are not restrained, as specified below, Plaintiff will sustain
18 immediate and irreparable injury, loss, and damage in that
19 Plaintiff will continue to experience and suffer from the fear
20 of additional, unwarranted scrutiny and will continue to suffer
21 humiliation and indignity, as well as great physical and mental
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26 DYDZAK V. GEORGE

COMPLAINT

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3 pain and suffering, resulting from Defendants' ongoing
4 deprivation of his rights, including but not limited to his
5 right to practice law as an active member of the State Bar of
6 California.


7 64. Plaintiff has duly exhausted state law remedies
8 available to him prior to filing suit, including approximately
9 five Writs of Review to the California Supreme Court which were
10 denied without prejudice and without a hearing on the merits.

11 65. Therefore, Plaintiff requests the following injunctive
12 relief, equitable relief, declaratory relief and other legal
13 relief against Defendants and each of them, to wit:

14 1. That it is adjudged and decreed that DYDZAK's
15 constitutional rights and civil rights were violated, and
16 continue to be violated, by Defendants, and each of them, as
17 herein alleged, particularly due to the failure by Defendant
18 MILES, Defendant COURT and the individual Defendant Judges of
19 the State Bar Court and Review Department to disqualify
20 Defendant MILES and set aside his decision of August 5, 2008;

21 2. That the decision of August 5, 2008, by Defendant
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26 DYDZAK V. GEORGE

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COMPLAINT

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3 MILES recommending DYDZAK's disbarment be set aside as void or
4 voidable based upon violation of DYDZAK's civil and
5 constitutional rights, and based upon DYDZAK's showing of
6 unclean hands, judicial misconduct, government misconduct, bias,
7 prejudice and conflict of interest or the appearance of same, by
8 Defendants and each of them.

9 3. That the Opinion on Review and Order filed
10 December 3, 2009, by Defendants REMKE, EPSTEIN and PURCELL be
11 set aside as void or voidable based upon violation of DYDZAK's
12 civil and constitutional rights, and based upon DYDZAK's showing
13 of unclean hands, judicial misconduct, government misconduct,
14 bias, prejudice and conflict of interest or the appearance of
15 same, by Defendants and each of them.

16 4. That the Transmittal of State Bar Court
17 Recommendation, imposition of costs and proposed Order to the
18 California Supreme Court recommending DYDZAK's disbarment by
19 Defendant COURT be set aside, stricken or reversed based upon
20 violation of DYDZAK's civil and constitutional rights, and based
21 upon DYDZAK's showing of unclean hands, judicial misconduct,
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26 DYDZAK V. GEORGE

COMPLAINT

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3 government misconduct, bias, prejudice and conflict of interest
4 or the appearance of same, by Defendants and each of them.

5 5. That the Order entered on or about May 12, 2010, or
6 any other Order by Defendant SUPREME COURT OF CALIFORNIA and
7 Defendants CALIFORNIA SUPREME COURT JUDGES, disbaring DYDZAK
8 from the practice of law in California, imposing disciplinary
9 costs, and striking his name from the roll of attorneys be set
10 aside, stricken or reversed based upon violation of DYDZAK's
11 civil and constitutional rights, and based upon DYDZAK's showing
12 of unclean hands, judicial misconduct, government misconduct,
13 bias, prejudice and conflict of interest or the appearance of
14 same, by Defendants and each of them.

15 6. That DYDZAK be restored to active status
16 forthwith and retroactively as of August 5, 2008, as a member of
17 the State Bar of California due to the aforesaid wrongful and
18 unlawful conduct and violation of his civil and constitutional
19 rights;

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21 That the State Bar Court and Review Department,
22 and any of the named Defendant Judges of said Court and Review
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26 DYDZAK V. GEORGE

56-
COMPLAINT

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3 Department, be prevented, disqualified and enjoined from ruling
4 on any legal matters involving the discipline of DYDZAK
5 retroactively, presently and in the future due to their past and
6 ongoing civil and constitutional rights violations towards him;

7 7. That this Court issue appropriate injunctive
8 relief in the form of a Temporary Restraining Order, Preliminary
9 Injunction or Permanent Injunction, or whatever similar
10 equitable relief it believes is appropriate and legal to protect
11 Plaintiff's civil, legal and constitutional rights;

12 8. That this Honorable Court appoint an independent
13 federal judge or other appropriate body outside the State Bar
14 Court and Review Department to adjudicate, hear, settle and
15 resolve any disciplinary matters involving DYDZAK due to the
16 past and ongoing violation of his civil and constitutional
17 rights by Defendants and each of them.

18 9. That the entire Chief Trial Counsel's Office and
19 Office of General Counsel of the State Bar of California,
20 including but not limited to Eli Mortgenstern, Scott Drexel,
21 Augustus Hernandez, Janet Hunt, Victoria Malloy, and Danielle
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26 DYDZAK V. GEORGE

57-
COMPLAINT

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3 Lee, be enjoined and disqualified from being involved in any
4 disciplinary matters involving DYDZAK because of their past and
5 ongoing violation of DYDZAK's civil and constitutional rights
6 and clear bias, prejudice, conflict of interest and animosity
7 towards him, without foundation.

8 10. That there be a declaration that Plaintiff's right
9 to a fair trial and post-trial proceedings were violated along
10 with other civil, legal and constitutional rights by Defendants
11 and each of them.

12 11. That Defendants MATZ, FEESS, KLAUSNER, MORROW, WU,
13 PHILLIPS, ROSENBERG and COLLINS be enjoined from hearing and
14 adjudicating any issue and aspect of the within action due to
15 their bias, prejudice, and conflict of interest, or the
16 appearance of same.

17 12. That DYDZAK be granted appropriate declaratory relief,
18 in order to protect his civil and constitutional rights and
19 remedy the unlawful actions and conduct alleged herein, and
20 allow him to practice law forthwith in the State of California.
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23 **SECOND CAUSE OF ACTION**

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26 DYDZAK V. GEORGE

COMPLAINT

(INTENTIONAL INTERFERENCE WITH ECONOMIC RELATIONS)
(AGAINST DEFENDANTS BURK, SELEGUE AND HAUSMAN)

66. Plaintiff refers to and incorporates by reference herein Paragraphs 1 through 65, inclusive, of this Complaint, as though fully set forth herein.

67. On August 8, 2008, and at all other relevant times hereto, there existed an economic relationship between DYDZAK and SHANEL STASZ by virtue of their attorney-client agreement whereby DYDZAK agreed to represent STASZ in her LASC litigation, as hereinbefore alleged and described. STASZ agreed that DYDZAK would receive as attorney's fees 1/3 of any gross recovery, either by judgment or settlement, in her LASC litigation.

68. At all times herein mentioned, and continuing to the present, DYDZAK has enjoyed cordial relations with Ms. Stasz, and previously represented her in a number of legal matters while licensed as an attorney. In the past, he has benefited financially from representing Ms. Stasz and received

DYDZAK V. GEORGE

59-
COMPLAINT

professional fees.

69. On or about August 8, 2008, and at all times relevant hereto, Defendants HOWARD, RICE, HAUSMAN, SELEGUE and BURK were well aware of the existence of the economic relationship between DYDZAK and Ms. Stasz. Attorney Burk knew that DYDZAK represented STASZ on a number of legal matters and communicated with DYDZAK on legal issues involving STASZ in or about July, 2008.

70. In unlawfully communicating with Defendant MILES, and agents and employees of Defendant COURT, about DYDZAK's disciplinary proceedings, and in improperly and illegally gaining access to the MILES' decision directly through contacting MILES, or his agents and employees thereof, Defendants BURK, HAUSMAN and SELEGUE, individually and on behalf of Defendant HOWARD RICE, persuaded and influenced MILES to put DYDZAK on inactive status and recommend his disbarment. This unlawful conduct was done, so that HOWARD RICE clients and Defendant BURK's legal interests could be protected from major liability and expense.

71. As a direct, legal and proximate result thereof, Plaintiff has sustained general pain and suffering, severe

DYDZAK V. GEORGE

COMPLAINT

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3 emotional distress and anguish, loss of earnings and earning
4 capacity, loss of good will and reputation, incurred substantial
5 loans which has been unable to repay to date, and further
6 incurred considerable storage and moving costs, all to his
7 general damage, according to proof at or before trial.
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10 **THIRD CAUSE OF ACTION**

11 **(FRAUD)**

12 **(AGAINST DEFENDANT SELEGUE)**

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14 72. Plaintiff refers to and incorporates, as though fully
15 set forth herein, Paragraphs 1 through 71, inclusive, of the
16 Complaint.

17 73. In a sworn Declaration dated September 26, 2010, in the
18 STASZ litigation against Defendant BURK, submitted in connection
19 with a Motion to Quash Service, Defendant SELEGUE falsely
20 represented under oath that he obtained access to the MILES'
21 decision by traveling to Los Angeles, California, to obtain
22 same.

23 74. This representation was in fact false, fraudulent and
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26 DYDZAK V. GEORGE

COMPLAINT

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3 misleading. The true facts were that Defendant SELEGUE willfully
4 perjured himself on this point and thereby committed a felony;
5 never traveled to Los Angeles to obtain the MILES' decision;
6 unlawfully and illegally obtained MILES' Decision directly from
7 MILES and/or an agent or employee of Defendant COURT; tortiously
8 interfered with the attorney-client relationship between DYDZAK
9 and STASZ by illegally and unethically communicating with
10 Defendant MILES; conspired with Defendant MILES and other
11 members of his law firm to destroy DYDZAK's ability to practice
12 law and represent STASZ in her LASC cases; influenced and
13 persuaded MILES in conspiracy with Defendants HAUSMAN and BURK
14 to have DYDZAK disbarred; had not properly ordered nor paid for
15 MILES' Decision dated August 5, 2008, affecting DYDZAK; intended
16 by his dishonest and fraudulent Declaration to gain a tactical
17 advantage in litigation against STASZ; and intended to
18 maliciously and permanently injure DYDZAK's career, reputation
19 and livelihood by the aforesaid actions and by virtue of his
20 fraudulent and dishonest Declaration.
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22 75. Had DYDZAK known the foregoing on or about September
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26 DYDZAK V. GEORGE

COMPLAINT

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3 26, 2008, or before said date, and had he further known about
4 the misconduct of Defendants SELEGUE, HAUSMAN and BURK, on or
5 before September 26, 2008, as herein alleged, he would have
6 advised STASZ to immediately report SELEGUE and HOWARD, RICE
7 to the State Bar of California for ethical and professional
8 violations, including but not limited to Defendant SELEGUE
9 committing perjury, a felony and crime of moral turpitude.
10 DYDZAK further would have moved before Defendant MILES made his
11 fraudulent and unethical Decision against him for an Order
12 disqualifying Defendant MILES from making a decision due to the
13 jurist's prejudice, bias and conflict of interest or the
14 appearance of same.

15 76. As a direct, legal and proximate result of the fraud
16 perpetrated by Defendant SELEGUE, and the aforementioned false
17 representation, Plaintiff has suffered general damages, in an
18 amount not yet ascertained. Plaintiff will seek leave to amend
19 the Complaint in order to set forth such amount when it is
20 determined, according to proof.
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22 77. In taking the actions herein alleged, and making the
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26 DYDZAK V. GEORGE

COMPLAINT

misrepresentation herein described, Defendant SELEGUE acted maliciously, oppressively, and fraudulently, in conscious disregard of Plaintiff's rights. Plaintiff is, therefore, entitled to an award of exemplary or punitive damages, according to proof.

WHEREFORE, Plaintiff prays judgment as follows:

ON FIRST CAUSE OF ACTION:

1. For general damages in the amount of \$ 10,000,000;
2. For special damages and medical expenses, according to proof;
3. For punitive damages, according to proof;
4. For injunctive relief as set forth herein;
5. For reasonable attorney's fees pursuant to Title 42 of the United States Code, Section 1988(b);
6. For costs of suit incurred herein;
7. For a dismissal of any alleged disciplinary charges against DYDZAK due to the violation of his civil, legal, equitable and constitutional rights;
8. For such other and further relief as the Court deems just and proper in the premises;

DYDZAK V. GEORGE

COMPLAINT

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3 9. Setting aside and declaring void or voidable Defendant
4 MILES' unlawful, unconstitutional, biased, and illegal State Bar
5 Decision dated August 5, 2008 against DYDZAK, and any other
6 unconstitutional, unlawful and illegal rulings, orders, opinions
7 and decisions of the State Bar Court and Review Department
8 referenced herein and pertaining thereto;

9 10. Setting aside and declaring void or voidable the
10 unlawful, biased, unconstitutional, and illegal
11 Opinion On Review and Order filed December 3, 2009, by
12 Defendants REMKE, EPSTEIN and PURCELL against DYDZAK, and any
13 other unconstitutional, unlawful and illegal rulings, orders,
14 opinions and decisions of the State Bar Court and Review
15 Department referenced herein and pertaining thereto;

16 11. Enjoining, setting aside and declaring void or
17 voidable the transmittal of the State Bar Court Recommendation,
18 Imposition of Costs, and Proposed Order to the California
19 Supreme Court against DYDZAK, as alleged herein;

20 12. Setting aside and declaring void or voidable the
21 unlawful, biased, unconstitutional, and illegal Order of the
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26 DYDZAK V. GEORGE

65
COMPLAINT

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3 Supreme Court of California entered on or about May 12, 2010,
4 disbarring DYDZAK, assessing unlawful and vague disciplinary
5 costs, and illegally removing him from the roll of attorneys
6 admitted to practice law in the State of California.

7 13. For any injunctive relief as allowed by Federal Rules
8 of Civil Procedure, Rules 57, 65, and other appropriate Rules
9 therein as well as 42 U.S.C. Section 1983 et seq. ;

10 14. For appropriate declaratory relief and judgment by
11 virtue of 28 U.S.C. Section 2201 et seq.
12

13 ON SECOND CAUSE OF ACTION

- 14 1. For general damages, according to proof;
15 2. For costs of suit incurred herein;
16 3. For such other and further relief as ordered by
17 this Honorable Court and warranted in the premises.
18

19 ON THIRD CAUSE OF ACTION

- 20 1. For general damages, according to proof;
21 2. For punitive damages, according to proof;
22 3. For costs of suit incurred herein;
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26 DYDZAK V. GEORGE


COMPLAINT

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3 4. For such other and further relief as ordered by this
4 Honorable Court and warranted in the premises.

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6 Dated: August 4, 2010



DANIEL D. DYDZAK

Plaintiff Pro Se

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26 DYDZAK V. GEORGE

COMPLAINT

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Stephen V. Wilson and the assigned discovery Magistrate Judge is NONE.

The case number on all documents filed with the Court should read as follows:

CV10- 5820 SVW

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

Name & Address:

DANIEL DAVID DYDZAK

Plaintiff Pro Se

4265 Marina City Drive, Suite 407W
Marina del Rey, CA 90292**FOR OFFICE USE ONLY**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DANIEL DAVID DYDZAK,

PLAINTIFF(S)

v.

RONALD M. GEORGE, CARLOS R. MORENO,
JOYCE L. KENNARD, [ATTACHMENT A]

DEFENDANT(S).

CASE NUMBER

CV10 5820 •

SVW

SUMMONS

TO: DEFENDANT(S): RONALD M. GEORGE, CARLOS R. MORENO, JOYCE L. KENNARD,
[ATTACHMENT A]

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ _____ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, DANIEL DAVID DYDZAK, PRO SE, whose address is 4265 Marina City Drive, #407W, Marina del Rey, CA 90292. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: 8-5-10

By: _____

CHRIS SAWYER
SEAL

Deputy Clerk

FOR OFFICE USE ONLY
(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

ATTACHMENT A

KATHRYN MICKLE WERDEGAR, MING W. CHIN, MARVIN R. BAXTER, CAROL A. CORRIGAN, SUPREME COURT OF CALIFORNIA, STATE BAR OF CALIFORNIA, DONALD F. MILES, STATE BAR COURT, BOARD OF GOVERNORS OF STATE BAR OF CALIFORNIA, JOANN M. REMKE, CATHERINE D. PURCELL, JUDITH EPSTEIN, RONALD W. STOVITZ, PATRICE E. McELROY, RICHARD A. PLATEL, LUCY ARMENDARIZ, RICHARD A. HONN, BERNARD A. BURK, KENNETH G. HAUSMAN, SEAN M. SELEGUE, HOWARD, RICE, NEMEROSKI, CANADY, FALK & RABKIN, SCOTT DREXEL, A. HOWARD MATZ, GARY A. FEES, R. GARY KLAUSNER, MARGARET M. MORROW, GEORGE H. WU, VIRGINIA A. PHILLIPS, AUDREY B. COLLINS, ALICIA G. ROSENBERG, and DOES 1 through 10, Inclusive,

Name & Address:

DANIEL DAVID DYDZAK

Plaintiff Pro Se

4265 Marina City Drive, Suite 407W

Marina del Rey, CA 90292

FOR OFFICE USE ONLY

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

DANIEL DAVID DYDZAK,

PLAINTIFF(S)

v.

RONALD M. GEORGE, CARLOS R. MORENO,
JOYCE L. KENNARD, [ATTACHMENT A]

DEFENDANT(S).

CASE NUMBER

CV10 5820 •

SVU

SUMMONS

TO: DEFENDANT(S): RONALD M. GEORGE, CARLOS R. MORENO, JOYCE L. KENNARD,
[ATTACHMENT A]

A lawsuit has been filed against you.

Within 60 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, DANIEL DAVID DYDZAK, PRO SE, whose address is 4265 Marina City Drive, Suite 407W, Marina del Rey, CA 90292. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: 8-5-10

By: _____

CHRIS BAWYER

Deputy Clerk

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

ATTACHMENT A

KATHRYN MICKLE WERDEGAR, MING W. CHIN, MARVIN R. BAXTER, CAROL A. CORRIGAN, SUPREME COURT OF CALIFORNIA, STATE BAR OF CALIFORNIA, DONALD F. MILES, STATE BAR COURT, BOARD OF GOVERNORS OF STATE BAR OF CALIFORNIA, JOANN M. REMKE, CATHERINE D. PURCELL, JUDITH EPSTEIN, RONALD W. STOVITZ, PATRICE E. McELROY, RICHARD A. PLATEL, LUCY ARMENDARIZ, RICHARD A. HONN, BERNARD A. BURK, KENNETH G. HAUSMAN, SEAN M. SELEGUE, HOWARD, RICE, NEMEROSKI, CANADY, FALK & RABKIN, SCOTT DREXEL, A. HOWARD MATZ, GARY A. FEES, R. GARY KLAUSNER, MARGARET M. MORROW, GEORGE H. WU, VIRGINIA A. PHILLIPS, AUDREY B. COLLINS, ALICIA G. ROSENBERG, and DOES 1 through 10, Inclusive,

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself ☒)
 DANIEL DAVID DYDZAK

DEFENDANTS
 RONALD M. GEORGE, CARLOS R. MORENO, JOYCE L. KENNARD,
 [ATTACHMENT A]

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

DANIEL DAVID DYDZAK, PLAINTIFF PRO SE, 4265 MARINA CITY
 DRIVE, SUITE 407W, MARINA DEL REY, CA 90292
 TELEPHONE: (310) 867-1289

Attorneys (If Known)

DANIELLE A. LEE, ESQ.
 180 HOWARD STREET, SAN FRANCISCO, CA 94105
 TELEPHONE: (415) 538-2339

II. BASIS OF JURISDICTION (Place an X in one box only.)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only
 (Place an X in one box for plaintiff and one for defendant.)

Citizen of This State	<input checked="" type="checkbox"/> PTF <input checked="" type="checkbox"/> DEF	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> PTF <input type="checkbox"/> DEF
Citizen of Another State	<input type="checkbox"/> 2 <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6

IV. ORIGIN (Place an X in one box only.)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: **JURY DEMAND:** ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No

☒ **MONEY DEMANDED IN COMPLAINT: \$ 10,000,000**

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
 CIVIL RIGHTS ACTION, TITLE 42 U.S.C. SECTION 1983; FRAUD; INTENTIONAL INTERFERENCE WITH ECONOMIC RELATIONS

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	TORTS	TORTS	PRISONER	LABOR
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL PROPERTY	PETITIONS	<input type="checkbox"/> 710 Fair Labor Standards Act
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 720 Labor/Mgmt. Relations
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 530 General Habeas Corpus	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act
<input type="checkbox"/> 450 Commerce/ICC Rates/etc.	<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 740 Railway Labor Act
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 790 Other Labor Litigation
<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	BANKRUPTCY	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 555 Prison Condition	PROPERTY RIGHTS
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 423 Withdrawal 28 USC 157	FORFEITURE / PENALTY	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 810 Selective Service	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	CIVIL RIGHTS	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 875 Customer Challenge 12 USC 3410	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	SOCIAL SECURITY
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 891 Agricultural Act	REAL PROPERTY	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 892 Economic Stabilization Act	<input type="checkbox"/> 210 Land Condemnation	IMMIGRATION	<input type="checkbox"/> 445 American with Disabilities - Employment	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 863 DIWC/DIWW (405(g))
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 446 American with Disabilities - Other	<input type="checkbox"/> 660 Occupational Safety /Health	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 894 Energy Allocation Act	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 463 Habeas Corpus-Alien Detainee	<input checked="" type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 865 RSI (405(g))
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 465 Other Immigration Actions			FEDERAL TAX SUITS
<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	<input type="checkbox"/> 245 Tort Product Liability				<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 290 All Other Real Property				<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes
If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☐ No ☒ Yes
If yes, list case number(s): CV-08-7765-VAP-AGR; CV 10-1297-PA and AHM (AGRx)

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☒ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Plaintiff DANIEL DAVID DYDZAK	Los Angeles County, State of California

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Defendant RONALD M. GEORGE	San Francisco County, State of California
Defendant CARLOS R. MORENO	San Francisco County, State of California
Defendant JOYCE L. KENNARD [Attachment For Other Defendants]	San Francisco County, State of California

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
LOS ANGELES COUNTY, STATE OF CALIFORNIA	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved.

X. SIGNATURE OF ATTORNEY (OR PRO PER): 

Date August 5, 2010

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

ATTACHMENT A

KATHRYN MICKLE WERDEGAR, MING W. CHIN, MARVIN R. BAXTER, CAROL A. CORRIGAN, SUPREME COURT OF CALIFORNIA, STATE BAR OF CALIFORNIA, DONALD F. MILES, STATE BAR COURT, BOARD OF GOVERNORS OF STATE BAR OF CALIFORNIA, JOANN M. REMKE, CATHERINE D. PURCELL, JUDITH EPSTEIN, RONALD W. STOVITZ, PATRICE E. McELROY, RICHARD A. PLATEL, LUCY ARMENDARIZ, RICHARD A. HONN, BERNARD A. BURK, KENNETH G. HAUSMAN, SEAN M. SELEGUE, HOWARD, RICE, NEMEROSKI, CANADY, FALK & RABKIN, SCOTT DREXEL, A. HOWARD MATZ, GARY A. FEES, R. GARY KLAUSNER, MARGARET M. MORROW, GEORGE H. WU, VIRGINIA A. PHILLIPS, AUDREY B. COLLINS, ALICIA G. ROSENBERG, and DOES 1 through 10, Inclusive,

ATTACHMENT FOR OTHER DEFENDANTS

Defendant KATHRYN MICKLE WERDEGAR	San Francisco County, State of California
Defendant MING W. CHIN	San Francisco County, State of California
Defendant MARVIN R. BAXTER	San Francisco County, State of California
Defendant CAROL A. CORRIGAN	San Francisco County, State of California
Defendant SUPREME COURT OF CALIFORNIA	San Francisco County, State of California
Defendant STATE BAR OF CALIFORNIA	San Francisco County, State of California
Defendant DONALD F. MILES	Los Angeles County, State of California
Defendant STATE BAR COURT	Los Angeles County, State of California
Defendant BOARD OF GOVERNORS OF STATE BAR OF CALIFORNIA	San Francisco County, State of California
Defendant JOANN M. REMKE	Los Angeles County, State of California
Defendant CATHERINE D. PURCELL	Los Angeles County, State of California
Defendant JUDITH EPSTEIN	Los Angeles County, State of California
Defendant RONALD W. STOVITZ	Los Angeles County, State of California
Defendant PATRICE E. McELROY	Los Angeles County, State of California
Defendant RICHARD A. PLATEL	Los Angeles County, State of California
Defendant LUCY ARMENDARIZ	Los Angeles County, State of California
Defendant RICHARD A. HONN	Los Angeles County, State of California
Defendant BERNARD A. BURK	San Francisco County, State of California
Defendant KENNETH G. HAUSMAN	San Francisco County, State of California
Defendant SEAN A. SELEGUE	San Francisco County, State of California
Defendant HOWARD, RICE, NEMEROSKI CANADY, FALK & RABKIN	San Francisco County, State of California
Defendant SCOTT DREXEL	San Francisco County, State of California

ATTACHMENT FOR OTHER DEFENDANTS (Page 2)

Defendant A. HOWARD MATZ	Los Angeles County, State of California
Defendant GARY A. FEES	Los Angeles County, State of California
Defendant R. GARY KLAUSNER	Los Angeles Count County, State of California
Defendant MARGARET M. MORROW	Los Angeles County, State of California
Defendant GEORGE H. WU	Los Angeles County, State of California
Defendant VIRGINIA A. PHILLIPS	Riverside County, State of California
Defendant AUDREY B. COLLINS	Los Angeles County, State of California
Defendant ALICIA G. ROSENBERG	Los Angeles County, State of California

Exhibit E

California Supreme Court docket, Case
No. S179850, entry dated September 11,
2019

Appellate Courts Case Information

CALIFORNIA COURTS
THE JUDICIAL BRANCH OF CALIFORNIA

Supreme Court

Change court

Docket (Register of Actions)

DYDZAK ON DISCIPLINE
Division SF
Case Number S179850

Date	Description	Notes
01/27/2010	Record of State Bar discipline filed	recommendation: disbarment. *7 volumes.
04/01/2010	Petition for writ of review filed	Petitioner: Daniel David Dydzak Attorney: Daniel David Dydzak under CRC 8.25(b)
04/01/2010	Forma pauperis application filed	
04/20/2010	Response by State Bar filed	Non-Title Respondent: State Bar of California Attorney: Danielle A. Lee
05/03/2010	Reply to State Bar response filed	Petitioner: Daniel David Dydzak Attorney: Daniel David Dydzak crc 8.25 (b)
05/12/2010	Petition for writ of review denied; disbarred	The petition for writ of review is denied. The court orders that Daniel David Dydzak, State Bar Number 121857, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys. Daniel David Dydzak must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.
05/21/2010	Order filed	The order filed on May 12, 2010, is amended as to the State Bar case numbers to read: "S.B.C. Nos. 04-O-14383/06-O-10960."
06/01/2010	Received:	notice from the Supreme Court of United States, dated May 27, 2010; petition for writ of certiorari was filed May 24, 2010, and placed on the US Supreme Court docket on May 27, 2010, under No. 09-11066.
06/04/2010	Received:	service copy of notice that petition is filed under US Supreme Court # 09-11066.
07/26/2010	Note: Mail returned (unable to forward)	states name does not exist; return to sender.
10/07/2010	Received:	from the Supreme Court of the United States, Office of the Clerk, dated October 4, 2010, a notice that the petition for writ of certiorari filed under case# 09-11066, was denied.
01/11/2012	Motion filed	by Daniel D. Dydzak, petitioner, to reopen disciplinary case due to fraud upon the court and reverse and set aside void disbarment order. (to court for consideration)
01/23/2012	Received:	Letter and proposed order from petitioner.
01/30/2012	Received:	Petitioner's request for ruling forthwith on pending motion
02/06/2012	Received:	Petitioner's second request for ruling on pending motion
02/15/2012	Received:	Petitioner's Third Request for Ruling Forthwith on Pending Motion

02/15/2012	Motion denied	The motion to reopen the disciplinary proceeding filed on January 11, 2012 is denied.
02/22/2012	Note: Mail returned (unable to forward)	Order filed 2/15/12, sent to petitioner.
09/20/2013	Returned record	to State Bar Court (7 vols.)
03/01/2018	Motion filed	Motion to Reopen Disciplinary Case and Reverse, Set Aside or Vacate Unlawful Disbarment Order Daniel David Dydzak, Petitioner
03/19/2018	Received:	Petitioner's Request for Expedited Ruling.
03/19/2018	Application for relief from default filed	By State Bar of California to file Opposition to Motion to Reopen Disciplinary Case and Reverse, Set Aside or Vacate Unlawful Disbarment Order.
03/19/2018	Received:	State Bar's Untimely Opposition to Motion to Reopen Disciplinary Case and Reverse, Set Aside or Vacate Unlawful Disbarment Order.
03/21/2018	Letter sent to:	Sean T. Strauss, The State Bar of California, Office of General Counsel Dear Mr Strauss: The court has considered your application to file your untimely opposition to petitioner's motion to reopen his disciplinary case and reverse, set aside, or vacate unlawful disbarment order. Your application to file the untimely opposition has been denied. (Cal. Rules of Court, rule 8.60(d).) The court has directed that your motion be returned to you, and we are returning herewith the original and eight copies of the motion.
05/09/2018	Motion denied	The motion to reopen disciplinary case and reverse, set aside, or vacate disbarment order is denied.
05/14/2018	Motion filed	Motion to reverse and set aside void order filed May 9, 2018, and to disqualify Chief Justice Tani Cantil-Sakauye Daniel David Dydzak, Petitioner
05/17/2018	Motion filed	Petitioner Dydzak's Motion to Reconsider, Reverse and Set Aside Void Order Filed and Dated May 9, 2018; Memorandum of Points and Authorities; Declaration of Daniel David Dydzak in Support Thereof; Exhibit; Request for Oral Argument Daniel David Dydzak, Petitioner
05/17/2018	Received:	Letter dated May 14, 2018, from petitioner Daniel Dydzak
05/21/2018	Received:	Letter dated May 16, 2018, from petitioner Daniel Dydzak
05/21/2018	Note: Mail returned (unable to forward)	Order issued on May 9, 2018 to petitioner.
05/24/2018	Received:	Letter dated May 20, 2018, from petitioner Daniel Dydzak
05/24/2018	Received:	Letter dated May 21, 2018, from petitioner Daniel Dydzak
06/06/2018	Filed:	Petitioner's Notice of Non-Opposition by State Bar of California to Petitioner Dydzak's Two Pending Motions
06/06/2018	Filed:	Petitioner's Request for Expedited Ruling Re: Petitioner Dydzak's Two Pending Motions and Proposed Order
06/06/2018	Filed:	Petitioner's Request for Judicial Notice; Declaration of Daniel D. Dydzak thereto; Exhibit
06/14/2018	Received:	Letter dated June 11, 2018, from petitioner Daniel D. Dydzak
06/27/2018	Motion denied	The request for judicial notice filed June 6, 2018, is granted. The motion to reverse and set aside order and disqualify the Chief Justice, filed May 14, 2018, is denied. The motion to reconsider, reverse, and set aside order, filed May 17, 2018, is denied.
07/02/2018	Received:	Letter dated June 29, 2018, from petitioner Daniel D. Dydzak.
07/02/2018	Motion filed	Petitioner Dydzak's Motion to Reverse and Set Aside Void Order Filed June 27, 2018 Due to Lack of Proper Quorum and to Disqualify Chief Justice Tani Cantil-Sakauye Based Upon Disqualification Factors and a Showing of Extrinsic Fraud

07/16/2018	Received:	Letter dated July 13, 2018, from petitioner Daniel D. Dydzak.
07/16/2018	Filed:	Petitioner Dydzak's Request for Expedited Ruling Re: Motion to Reverse and Set Aside Void Order Filed June 27, 2018, etc.
08/08/2018	Motion denied	The motion to reverse and set aside order and disqualify the Chief Justice, filed July 2, 2018, is denied.
08/13/2018	Received:	Letter dated August 11, 2018, from petitioner Daniel D. Dydzak.
08/13/2018	Motion filed	Petitioner Dydzak's Motion to Reverse and Set Aside Void Order Filed August 8, 2018 Due to Lack of Proper Quorum
08/20/2018	Received:	Letter dated August 15, 2018, from petitioner Daniel D. Dydzak.
09/12/2018	Motion denied	The motion to reverse and set aside order and disqualify the Chief Justice, filed August 13, 2018, is denied.
09/17/2018	Received:	Letter dated September 15, 2018, from petitioner Daniel D. Dydzak.
09/17/2018	Motion filed	Petitioner Dydzak's Motion to Reverse and Set Aside Void Order Filed September 12, 2018 Due to Lack of Proper Quorum
09/17/2018	Received:	Service copy of letter from petitioner Daniel Dydzak dated September 12, 2018, addressed to the Commission on Judicial Performance.
09/17/2018	Received:	Service copy of letter from petitioner Daniel Dydzak dated September 14, 2018, addressed to the Commission on Judicial Performance.
09/20/2018	Received:	Service copy of letter from petitioner Daniel Dydzak dated September 18, 2018, addressed to the Commission on Judicial Performance.
09/24/2018	Note: Mail returned (unable to forward)	Copy of an order issued on September 12, 2018, to Daniel Dydzak.
09/26/2018	Received:	Service copy of letter from petitioner Daniel Dydzak dated September 24, 2018, addressed to the Commission on Judicial Performance.
10/10/2018	Motion denied	The motion to reverse and set aside order and disqualify the Chief Justice, filed September 17, 2018, is denied. Corrigan, J., was absent and did not participate.
10/19/2018	Received:	Letter dated October 17, 2018, from petitioner Daniel D. Dydzak.
10/19/2018	Motion filed	Petitioner Dydzak's Motion to Reverse and Set Aside Void Order Filed October 10, 2018 Due to Lack of Proper Quorum
10/19/2018	Received:	Service copy of letter from petitioner Daniel Dydzak dated October 16, 2018, addressed to the Commission on Judicial Performance.
10/23/2018	Received:	Service copy of letter from petitioner Daniel Dydzak dated October 15, 2018, addressed to Director of the Commission on Judicial Performance.
10/23/2018	Received:	Letter dated October 18, 2018, from petitioner Daniel D. Dydzak.
10/29/2018	Note: Mail returned (unable to forward)	Copy of order issued on October 10, 2018, to Daniel Dydzak.
11/14/2018	Motion denied	The motion to reverse and set aside order and disqualify the Chief Justice, filed October 19, 2018, is denied.
11/19/2018	Motion filed	"Petitioner Dydzak's motion to reverse and set aside void order filed November 14, 2018..."
11/19/2018	Received:	Service copy of letter from petitioner Daniel Dydzak dated November 15, 2018, addressed to the Commission on Judicial Performance.
11/19/2018	Received:	Service copy of letter from petitioner Daniel Dydzak dated November 16, 2018, addressed to the President and other Justices.
11/21/2018	Motion filed	Petitioner Dydzak's Motion for Order to Show Cause
11/26/2018	Note: Mail returned (unable to forward)	Copy of order issued on November 14, 2018, to Daniel Dydzak.

11/26/2018	Received:	Service copy of petitioner Daniel Dydzak's motion for extension of time dated November 19, 2018, addressed to the U.S. Court of Appeals for the Ninth Circuit.
11/26/2018	Received:	Letter, dated November 23, 2018, from petitioner Daniel Dydzak.
12/03/2018	Received:	Letter dated November 26, 2018, from petitioner Daniel D. Dydzak.
01/23/2019	Motion denied	The motion to reverse and set aside order and disqualify the Chief Justice, filed November 19, 2018, and the motion for an order to show cause filed November 21, 2018 are denied.
01/28/2019	Motion filed	Petitioner Dydzak's Motion for Order to Show Cause
01/28/2019	Received:	Service copy of letter from petitioner Daniel Dydzak dated January 23, 2019, addressed to the Commission on Judicial Performance.
01/28/2019	Received:	Notice of Errata Petitioner inadvertently typed the date of November 26, 2018, instead of January 24, 2019, on letter sent to this office pertaining to Petitioner's newly submitted Motion for Order to Show Cause, etc.
01/28/2019	Motion filed	Petitioner Dydzak's Motion to Vacate, Reverse and Set Aside Void Order of January 23, 2019
01/28/2019	Received:	Petitioner Dydzak's Notice of filing proof of service for Order to Show Cause
01/30/2019	Motion filed	Petitioner Dydzak's Motion to Reverse, Set Aside or Vacate Unlawful Disbarment Order
01/30/2019	Motion filed	Petitioner Dydzak's Motion to Reverse and Set Aside Void Order Filed January 23, 2019, Due to Lack of Proper Quorum
01/31/2019	Motion filed	Petitioner Dydzak's Motion for Oral Argument of Pending Motions
02/01/2019	Motion filed	Petitioner Dydzak's Motion for Expedited Hearing and Ruling on Pending Motions
02/01/2019	Note: Mail returned (unable to forward)	Copy of order issued on January 23, 2019, to Daniel Dydzak.
02/19/2019	Filed:	Petitioner Dydzak's Notice of Non-Opposition to Pending Motions
03/20/2019	Received:	Letter dated March 16, 2019, from petitioner Daniel D. Dydzak.
04/02/2019	Received:	Service copy of letter from petitioner Daniel Dydzak dated March 28, 2019, addressed to the Commission on Judicial Performance.
04/08/2019	Received:	Service copy of letter from petitioner Daniel Dydzak dated April 3, 2019, addressed to the Commission on Judicial Performance.
04/08/2019	Filed:	Letter dated April 4, 2019, from petitioner Daniel D. Dydzak - Second request for expedited ruling on pending motions; non-opposition to said motions by State Bar of California.
04/17/2019	Order filed	The motion to vacate, reverse and set aside order, request for judicial notice, and the motion for an order to show cause filed January 28, 2019 are denied. The motions for oral argument and for an expedited hearing are denied.
04/22/2019	Motion filed	Petitioner Dydzak's Letter dated April 20, 2019, and Motion for Order to Show Cause
04/22/2019	Received:	Service copy of Petitioner Daniel Dydzak's letter dated April 19, 2019, addressed to the Commission on Judicial Performance.
04/22/2019	Received:	Service copies of Petitioner Daniel Dydzak's two letters dated April 18, 2019, addressed to the Commission on Judicial Performance.
04/25/2019	Received:	Petitioner's Request for Judicial Notice ; Declaration of Daniel D. Dydzak thereto; Exhibit
04/25/2019	Received:	Letter dated April 21, 2019, from Daniel Dydzak entitled "Request for Emergency Expedited Ruling on Two Pending Motions".
04/25/2019	Received:	Letter dated April 21, 2019, from Daniel Dydzak and Disqualification Motion
04/29/2019	Received:	Service copy of Letter from Daniel Dydzak dated April 23, 2019, and Motion addressed to the Ninth Circuit Court of Appeals
05/02/2019	Received:	Service copy of letter dated April 29, 2019, from Daniel Dydzak, addressed to the State Bar of California.
05/06/2019	Received:	Service copy of letter dated May 4, 2019, from Daniel Dydzak addressed to the Commission on Judicial Performance.

05/06/2019	Received:	Petitioner's Notice of Non-Opposition by State Bar of California to Petitioner Dydzak's Pending Motions
05/06/2019	Received:	Service copy of letter dated May 2, 2019, from Daniel Dydzak addressed to the Clerk of the Ninth Circuit Court of Appeals and Motion.
05/06/2019	Received:	Service copy of letter from Daniel Dydzak dated May 4, 2019, addressed to the Commission on Judicial Performance.
05/28/2019	Received:	Service copy of letter dated May 23, 2019, from Daniel Dydzak addressed to the Office of Disciplinary Counsel Board of Professional Responsibility District of Columbia Court of Appeals.
05/28/2019	Received:	Petitioner Dydzak's New Motion for Oral Argument of Pending Motions and to Permit Camera Coverage and Media Filming
05/28/2019	Received:	Petitioner Dydzak's Motion for Leave to Take Videotaped Depositions of Pertinent Material Witnesses
05/28/2019	Received:	Petitioner Dydzak's Motion for Expedited Hearing and Ruling on Pending Motions
05/28/2019	Received:	Service copy of letter dated May 24, 2019, from Daniel Dydzak addressed to Elaine M. Howle, CPA, California State Auditor.
07/03/2019	Received:	Letter dated June 30, 2019, from Daniel Dydzak entitled Request for Ruling on Pending Motions at July 10, 2019, Petition Conference.
07/29/2019	Received:	Letter dated July 25, 2019, from petitioner Daniel Dydzak entitled, "Request for Ruling on Pending Motions at July 31, 2019 Conference".
08/05/2019	Received:	Letter dated August 1, 2019, from petitioner Daniel Dydzak entitled, "Request for Ruling on Pending Motions at August 14, 2019 Conference".
08/05/2019	Received:	Service copy of letter dated August 2, 2019, from Daniel Dydzak addressed to Chief Trial Counsel of the State Bar of California.
08/19/2019	Received:	Letter dated August 15, 2019, from petitioner Daniel Dydzak entitled, "Request for Ruling on Pending Motions at August 21, 2019 Conference".
08/26/2019	Received:	Letter dated August 22, 2019, from petitioner Daniel Dydzak entitled, "Request for Ruling on Pending Motions at August 28, 2019 Conference".
09/03/2019	Received:	Letter dated August 29, 2019, from petitioner Daniel Dydzak entitled, "Request for Ruling on Pending Motions at September 11, 2019 Conference".
09/11/2019	Motion denied	The motion for an order to show cause filed April 22, 2019 is denied. This matter is now final. The court will no longer consider challenges to petitioner's disbarment.

Click here to request automatic e-mail notifications about this case.

JASON M. FRIERSON
United States Attorney
District of Nevada
Nevada Bar Number 7709

PATRICK A. ROSE
Assistant United States Attorney
Nevada Bar Number 5109
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Las Vegas, Nevada 89101
(702) 388-6336
Patrick.Rose@usdoj.gov
Attorneys for Defendants
Dwyer, Shaw, Schiffer, Thomas, King

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DANIEL DAVID DYDZAK,

Plaintiff,

vs.

TANI CANTIL-SAKAUYE, et al.,

Defendants.

Case No.

Notice of Removal

Defendants Molly Dwyer, Peter Shaw, Edward Schiffer, Sidney Thomas, and George King, file this Notice of Removal of the above-captioned action to the United States District Court for the District of Nevada. The grounds for removal are set forth below.

This action is being removed to the United States District Court pursuant to 28 U.S.C. § 1442(a)(1), (3), which provides, in pertinent part:

(a) A civil action or criminal prosecution commenced in a State court and that is against any of the following may be removed by them to the district court of the United States for the district and division embracing the place wherein it is pending:

(1) The United States or any agency thereof or any officer (or any person acting under that officer) of the United States or of any agency thereof, in an official or individual capacity, for or relating to any act under color of such office or on account of any right, title or authority

1 claimed under any Act of Congress for the apprehension or
 2 punishment of criminals or the collection of the revenue.
 (3) Any officer of the courts of the United States, for or relating to any
 act under color of office or in the performance of his duties.

3 Section 1442(a)(1) provides for a “broad” grant of removal jurisdiction; it is not given a
 4 “narrow, grudging interpretation.” *Nationwide Investors v. Miller*, 793 F.2d 1044, 1046 (9th
 5 Cir. 1986) (citing *Willingham v. Morgan*, 395 U.S. 402, 407 (1969)). Under Section
 6 1442(a)(1), federal court jurisdiction need not even be apparent from the face of the
 7 complaint. *See Jefferson County v. Acker*, 527 U.S. 423 (1999); *Mesa v. California*, 489 U.S. 121
 8 (1989). The long-standing purpose of this removal statute is to ensure a federal forum in any
 9 case where a federal official is entitled to raise a defense arising out of his official duties.
 10 *Swett v. Schenk*, 792 F.2d 1447, 1450 (9th Cir. 1986) (quoting *Arizona v. Manypenny*, 451 U.S.
 11 232, 241 (1981)).

12 Plaintiff has commenced this action “against” officers of the United States and/or
 13 officers of the courts of the United States within the meaning of 28 U.S.C. § 1442(a)(1), (3).
 14 Molly Dwyer is the Clerk of Court for the United States Court of Appeals for the Ninth
 15 Circuit (“Ninth Circuit”). Peter Shaw is a former Appellate Commissioner for the Ninth
 16 Circuit. Edward Schiffer is a former Career Law Clerk/Staff Attorney for the Ninth Circuit.
 17 Sidney Thomas is a United States Circuit Judge with the Ninth Circuit. George King is a
 18 former United States District Judge for the Central District of California. Plaintiff complains
 19 of actions or omissions of these officers taken in the discharge of their duties on behalf of the
 20 United States in general and the courts of the United States in particular.¹ Attached hereto
 21 as Exhibits A, B, C, respectively, are copies of the complaint, the only order entered thus far
 22 by the state court, and the docket sheet showing other filings thus far in the state court.
 23 These removing federal officers have defenses and immunities, including judicial immunity,
 24 that they are entitled to raise in a federal forum.

25
 26
 27 ¹ Plaintiff has named as defendants additional officers of the United States or courts of the
 28 United States. The additional federal officers have not been served with process and/or they
 have pending with the Department of Justice requests for representation.

1 Plaintiff has not effected service of process on these removing federal officers in
2 accordance with applicable rules. *See* Nev. R. Civ. P. 4.3(a)(5) (“Service upon the United
3 States and its agencies, corporations, officers, or employees may be made as provided by
4 Rule 4 of the Federal Rules of Civil Procedure.”); Fed. R. Civ. P. 4(i)(1), (2), (3)
5 (requirements for service on United States and its employees/officials); Fed. R. Civ. P.
6 12(a)(2), (3) (each federal defendant’s response to a complaint is due 60 days after service on
7 the U.S. Attorney of process directed to each such defendant). These removing federal
8 officers do not, through this removal, waive any defenses including without limitation lack
9 of service of process.

10 WHEREFORE, these removing federal officers give notice that the above-captioned
11 action has been removed from the Eighth Judicial District Court, Clark County, Nevada to
12 the United States District Court for the District of Nevada.

13 Respectfully submitted this 24th day of June 2022.

14 JASON M. FRIERSON
15 United States Attorney

16 /s/ Patrick A. Rose
17 PATRICK A. ROSE
18 Assistant United States Attorney
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Certificate of Service

I hereby certify that on June 24, 2022, I electronically filed and served the foregoing Notice of Removal with the Clerk of the Court for the United States District Court for the District of Nevada using the CM/ECF system and via US Mail to the address below.

US Mail

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9950 West Cheyenne Avenue
Las Vegas, NV 89129
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Jorge Navarrete, and William Dato*

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canderson@maclaw.com
Attorneys for Defendant Donald F. Miles

Daniel D. Dydzak
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Marina del Rey, CA 90292
Telephone (310) 867-1289
Plaintiff, in Pro Per

Eric M. George
Ronald M. George
Alan I. Rothenberg
c/o 2121 Avenue of the Stars, 30th floor
Los Angeles, California 90067
Telephone: (310) 274-7100
Facsimile: (310) 275-5697
E-Mail: egeorge@egcfirm.com
*Defendants in propria persona
Eric M. George, Ronald M. George, and Alan I.
Rothenberg*

/s/ Dionne White

Legal Assistant

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

DANIEL DAVID DYDZAK

(b) County of Residence of First Listed Plaintiff Los Angeles
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Plaintiff, in Pro Per

DEFENDANTS

See attachment

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

See attachment

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability LABOR <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
 28 U.S.C. § 1442(a)(1), (3)
 Brief description of cause:
 Civil Rights Complaint for Declaratory Relief per 42 USC 1983

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint:
 JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE

06/24/2022

SIGNATURE OF ATTORNEY OF RECORD

/s/ Patrick A. Rose

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP **SER-552** JUDGE _____ MAG. JUDGE _____

ATTACHMENT TO CIVIL COVER SHEET

Plaintiff:

1. Daniel D. Dydzak
4265 Marina City Drive, Suite 407W
Marina del Rey, CA 90292
Telephone (310) 867-1289
Plaintiff, in Pro Per

Defendants:

1. 1st Century Bancshares, Inc.
2. 1st Century Bank
3. William C Canby
4. Tani, Cantil-Sakauye

Attorneys: Thomas D. Dillard, Esq.
OLSON CANNON GORMLEY & STOBERSKI
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5. Maxine M Chesney
6. William Dato
7. Molly C Dwyer

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United States Attorney
District of Nevada
Nevada Bar Number 7709

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8. Ferdinand Francis Fernandez
9. William A. Fletcher

1 10. Eric M George

2 11. Ronald M George

3 12. Ronald M Gould

4 13. George H King

5 Attorneys: JASON M. FRIERSON
6 United States Attorney
7 District of Nevada
8 Nevada Bar Number 7709

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16 14. Thomas Layton

17 15. Kim McClane Wardlaw

18 16. Donald F Miles

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26 17. Jorge Navarrete

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18. Johnnie B Rawlinson

19. Alan I Rothenberg

///

1 20. Edward Ephraim Schiffer

2 Attorneys: JASON M. FRIERSON
3 United States Attorney
4 District of Nevada
5 Nevada Bar Number 7709
6
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8 Assistant United States Attorney
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8 21. Charles Schwab

9 22. Peter Lind Shaw

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11 United States Attorney
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13 Nevada Bar Number 7709
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21 Patrick.Rose@usdoj.gov

17 23. Barry G. Silverman

18 24. Richard C Tallman

19 25. Wallace Tashima

20 26. Sidney R Thomas

21 Attorneys: JASON M. FRIERSON
22 United States Attorney
23 District of Nevada
24 Nevada Bar Number 7709
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28 Nevada Bar Number 5109
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(702) 388-6336
Patrick.Rose@usdoj.gov

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

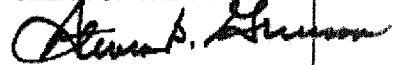
- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

Exhibit A

Complaint
Case No. A-22-847734-C

Electronically Filed
2/3/2022 11:58 AM
Steven D. Grierson
CLERK OF THE COURT



^{NID}
1 DANIEL D. DYDZAK
Plaintiff
2 4265 Marina City Drive, Suite 407W
Marina del Rey, CA 90292
3 Telephone: (310) 867-1289

CASE NO: A-22-847734-C
Department 27

DISTRICT COURT
CLARK COUNTY, NEVADA

10 DANIEL DAVID DYDZAK,

11 Plaintiff,

13 v.

14 TANI CANTIL-SAKAUYE, JORGE
15 NAVARRETE, THOMAS LAYTON, aka TOM
LAYTON, CHARLES SCHWAB, DONALD F.
16 MILES, JOHNNIE B. RAWLINSON, BARRY
G. SILVERMAN, WILLIAM A. FLETCHER,
17 PETER LIND SHAW, RONALD M. GEORGE,
ERIC M. GEORGE, ALAN I. ROTHENBERG,
18 1ST CENTURY BANK, 1ST CENTURY
BANCSHARES, INC., EDWARD EPHRAIM
19 SCHIFFER, SIDNEY R. THOMAS, WILLIAM
DATO, MAXINE M. CHESNEY, MOLLY C.
20 DWYER, GEORGE H. KING, A. WALLACE
TASHIMA, FERDINAND FRANCIS
21 FERNANDEZ, KIM MCCLANE WARDLAW,
WILLIAM C. CANBY, RONALD M. GOULD,
22 RICHARD C. TALLMAN, and DOES 1 through
50, inclusive,

23 Defendants.

) Case No.
) Dept. No.

) COMPLAINT FOR DAMAGES AND
) EQUITABLE RELIEF

) DEMAND FOR JURY TRIAL

26
27 COMPLAINT
28

COMES NOW Plaintiff, DANIEL D. DYDZAK ("DYDZAK"), and alleges as follows:

PRELIMINARY ALLEGATIONS

1. Plaintiff is, and was at all times herein mentioned, an individual over eighteen years old residing in the County of Los Angeles, State of California.

2. Plaintiff is informed and believes, and thereon alleges, that Defendant TANI CANTIL-
SAKAUYE ("CANTIL-SAKAUYE") is, and ^{was} at all times herein mentioned, an individual residing in the County of San Francisco, State of California.

3. Plaintiff is informed and believes, and thereon alleges, that Defendant JORGE NAVARRETE ("NAVARRETE") is, and was at all times herein mentioned, an individual residing in the County of San Francisco, State of California.

4. Plaintiff is informed and believes, and thereon alleges, that Defendant THOMAS LAYTON, aka TOM LAYTON ("LAYTON"), is, and was at all times herein mentioned, an individual residing in the County of Los Angeles, State of California.

5. Plaintiff is informed and believes, and thereon alleges, that Defendant DONALD F. MILES ("MILES") is, and was at all times herein mentioned, an individual residing in Redding, California.

6. Plaintiff is informed and believes, and thereon alleges, that Defendant CHARLES SCHWAB ("SCHWAB") is, and was at all times herein mentioned, an individual residing in the County of San Francisco, State of California.

7. Plaintiff is informed and believes, and thereon alleges, that Defendant JOHNNIE B. RAWLINSON ("RAWLINSON") is, and was at all times herein mentioned, an individual residing

COMPLAINT

1 in the City of Las Vegas, State of California.

2 8. Plaintiff is informed and believes, and thereon alleges, that Defendant BARRY G.
3 SILVERMAN ("SILVERMAN") is, and was at all times herein mentioned, an individual residing
4 in the City of Phoenix, State of Arizona.

5 9. Plaintiff is informed and believes, and thereon alleges, that Defendant WILLIAM A.
6 FLETCHER ("FLETCHER") is, and was at all times herein mentioned, an individual residing in the
7 County of San Francisco, State of California.

8 10. Plaintiff is informed and believes, and thereon alleges, that Defendant PETER LIND
9 SHAW ("SHAW") is, and was at all times herein mentioned, an individual residing in the County
10 of San Francisco, State of California.

11 11. Plaintiff is informed and believes, and thereon alleges, that Defendant RONALD M.
12 GEORGE ("GEORGE") is, and was at all times herein mentioned, an individual residing in the
13 County of San Francisco, State of California.

14 12. Plaintiff is informed and believes, and thereon alleges, that Defendant ERIC M.
15 GEORGE ("E.GEORGE") is, and was at all times herein mentioned, an individual residing in the
16 County of Los Angeles, State of California.

17 13. Plaintiff is informed and believes, and thereon alleges, that Defendant ALAN I.
18 ROTHENBERG ("ROTHENBERG") is, and was at all times herein mentioned, an individual
19 residing in the County of Los Angeles, State of California.

20 14. Plaintiff is informed and believes, and thereon alleges, that Defendant 1ST CENTURY
21 BANK ("BANK") is, and was at all times herein mentioned, a legal entity, exact status unknown at
22 this time, located and providing financial services in the County of Los Angeles, State of California.
23 Plaintiff will amend this Complaint accordingly at or before trial when the exact legal status and
24

25 COMPLAINT

1 identity of Defendant BANK is ascertained.

2 15. Plaintiff is informed and believes, and thereon alleges, that Defendant 1st CENTURY
3 BANCSHARES, INC. ("BANCSHARES") is, and was at all times herein mentioned, a corporation
4 duly organized and existing under and by virtue of the laws of the State of Delaware, engaged in
5 providing financial and banking services. Upon further information and belief, Defendant
6 BANCSHARES' business address is, and was at all times relevant hereto, in Wilmington,
7 Delaware. Upon further information and belief, said Defendant is, and was at all times herein
8 mentioned, a holding company for Defendant BANK.

9 16. Plaintiff is informed and believes, and thereon alleges, that Defendant EDWARD
10 EPHRAIM SCHIFFER ("SCHIFFER") is, and was at all times herein mentioned, an individual
11 residing in the County of San Francisco, State of California.

12 17. Plaintiff is informed and believes, and thereon alleges, that Defendant SIDNEY R.
13 THOMAS ("THOMAS") is, and was at all times herein mentioned, an individual residing in
14 Billings, Montana.

15 18. Plaintiff is informed and believes, and thereon alleges, that Defendant WILLIAM
16 DATO ("DATO") is, and was at all times herein mentioned, an individual residing in the County of
17 San Diego, State of California.

18 19. Plaintiff is informed and believes, and thereon alleges, that Defendant MAXINE M.
19 CHESNEY ("CHESNEY") is, and was at all times herein mentioned, an individual residing in the
20 County of San Francisco, State of California.

21 20. Plaintiff is informed and believes, and thereon alleges, that Defendant MOLLY C.
22 DWYER ("DWYER") is, and was at all times herein mentioned, an individual residing in the
23 County of San Francisco, State of California.

24 21. Plaintiff is informed and believes, and thereon alleges, that Defendant A. WALLACE
25 TASHIMA ("TASHIMA") is, and was at all times herein mentioned, an individual residing in the

26 COMPLAINT

1 County of Los Angeles, State of California.

2 22. Plaintiff is informed and believes, and thereon alleges, that Defendants
3 FERDINAND FRANCIS FERNANDEZ ("FERNANDEZ") and KIM MCLANE WARDLAW
4 ("WARDLAW") are, and were at all times herein mentioned, individuals residing in the County
5 of Los Angeles, State of California.

6 23. Plaintiff is informed and believes, and thereon alleges, that Defendant WILLIAM
7 C. CANBY ("CANBY") is, and was at all times herein mentioned, an individual residing in the
8 City of Phoenix, State of Arizona.

9 24. Plaintiff is informed and believes, and thereon alleges, that Defendant RONALD M.
10 GOULD ("GOULD") is, and was at all times herein mentioned, an individual residing in the City
11 of Seattle, State of Washington.

12 25. Plaintiff is informed and believes, and thereon alleges, that Defendant RICHARD
13 C. TALLMAN ("TALLMAN") is, and was at all times herein mentioned, an individual residing
14 in the City of Seattle, State of Washington.

15 26. Plaintiff is unaware at the present time of the identities and capacities of
16 Defendants ~~fictiously~~ ^{Artificially} named and designated as DOES 1 through 50, inclusive. Plaintiff alleges
17 that said DOE Defendants, and each of them, are responsible and liable for the wrongful and
18 unlawful acts of the other Defendants and acted in concert with each other. Plaintiff will seek
19 leave to amend this Complaint at or before trial to set forth their true names and capacities when
20 ascertained. DYDZAK is entitled to appropriate monetary and equitable relief against them,
according to proof.

21 27. Furthermore, Plaintiff alleges that these DOE Defendants have damaged him and
22 otherwise acted illegally and against his civil and constitutional rights, as herein alleged.

23 JURISDICTION

24 28. Venue is proper in this Court because one of the parties resides in Clark County
25 and committed wrongful acts against Plaintiff in this jurisdiction. Nevada NRS 13.040. Moreover,
26 state courts have concurrent jurisdiction with federal courts to hear federal claims, such as
27 violation of civil rights. Tafflin v. Levitt, 493 U.S. 455 (1990).

28 COMPLAINT

FIRST CAUSE OF ACTION

(VIOLATION OF CIVIL RIGHTS)

(AGAINST DEFENDANTS CANTIL-SAKAUYE AND NAVARRETE)

29. Plaintiff refers to and incorporates, as though fully set forth herein, Paragraphs 1 through 28, inclusive, of the Complaint, and any and all allegations contained therein.

30. This is a civil rights complaint for declaratory relief, equitable relief and other appropriate relief pursuant to 42 U.S.C. 1983 et seq. Plaintiff's civil rights have been violated, as alleged and described herein.

31. On or about September 13, 2019, and continuing to the present, in Case No. S179850, Defendants CANTIL-SAKAUYE and NAVARRETE illegally conspired to not file, as required, legal pleadings, motions and papers duly submitted by DYDZAK for docket filing with the Clerk's Office of the Supreme Court of California. Furthermore, Defendant CANTIL-SAKAUYE issued a fraudulent, perjurious, void and illegal Order on September 11, 2021 in said case in conspiracy with Defendant NAVARRETE.

32. As state actors employed as officers of the Court in California, Defendants CANTIL-SAKAUYE acted unreasonably and unlawfully so as to violate Plaintiff's constitutional and federally protected rights, as herein alleged and described.

33. As a direct, legal and proximate result of their misconduct and unlawful, wrongful actions, as herein alleged and described. Plaintiff has sustained general damages, including, without limitation, suffering, and continuing to suffer, physical and mental pain and anguish, and severe emotional distress. Plaintiff has also suffered economic losses, according to proof. The exact amount of such general damages is unknown at this time, but will be ascertained and set forth before or at time of trial, according to proof.

34. Plaintiff is entitled to appropriate declaratory and equitable relief, declaring that his civil and constitutional rights have been violated as aforesaid by Defendants CANTIL-SAKAUYE and

COMPLAINT

1 NAVARRETE. A Temporary Restraining Order (TRO), Preliminary Injunction and Permanent
 2 injunction should issue, enjoining said Defendant from continuing to violate Plaintiff's civil and
 3 constitutional rights.

4 35. Plaintiff is also entitled to an award of punitive damages due to a showing of malice,
 5 fraud and oppression by said Defendants towards DYDZAK, in the amount of \$ 10,000,000.

6
 7 **SECOND CAUSE OF ACTION**

8 **(VIOLATION OF WIRETAP ACT, 18 USC 2511)**

9 **(AGAINST DEFENDANT LAYTON)**

10 36. Plaintiff refers to and incorporates, as though fully set forth herein, Paragraphs 1
 11 through 35, inclusive, of the Complaint, and any and all allegations contained therein.

12 37. On or about September 11, 2019, and continuing to the present, Defendant LAYTON
 13 has, upon reasonable information and belief, illegally interfered with and intercepted on a constant
 14 basis Plaintiff's wire and electronic communications, including but not limited to telephonic
 15 communications and texts with third persons, relayed on his cell phone, 310-867-1289, contrary to
 16 the Federal Wiretap Act. Plaintiff is entitled to appropriate equitable relief and to recover from
 17 Defendant LAYTON damages, attorney's fees, costs and penalties, as provided for in said Wiretap
 18 Act pursuant to 18 USC 2511 and according to proof. LAYTON has, and had at all times relevant
 19 hereto, an unsavory reputation, being known as the "bagman" and "fixer" for disgraced, disbarred
 20 attorney, Thomas V. Girardi.

21 **THIRD CAUSE OF ACTION**

22 **(CONSPIRACY TO UNLAWFULLY ^{TO INTERFERE} INTERFERE WITH THE PROCESSES OF THE COURT)**

23 **(AGAINST DEFENDANTS SCHWAB, MILES, GEORGE, E. GEORGE, ROTHENBERG,**
 24 **BANK, BANCSHARES, DATO)**

25
 26
 27 COMPLAINT

39. Plaintiff is informed and believes, and thereon alleges, that the above-named Defendants had improper, unethical and illegal ex parte, extra-judicial communications and contacts with Defendants CANTIL-SAKAUYE and NAVARRETE on or about September 11, 2019, and on other occasions thereafter, and continuing to the present, to affect the outcome of the California Supreme Court Case No. S179850 and harm DYDZAK, as herein alleged. Such overt acts were done as part of a conspiracy to obstruct justice and interfere with the processes of that Court.

40. As a direct, legal and proximate result of such wrongful and illegal acts, Plaintiff has suffered general damages, according to proof. Such acts were also done with malice, fraud and oppression, entitling Plaintiff to an award of punitive damages against said Defendants, and each of them, in the amount of \$ 10,000,000, jointly and severally.

40. As a direct, legal and proximate result of such wrongful and illegal acts, Plaintiff has suffered general damages, according to proof. Such acts were also done with malice, fraud and oppression, entitling Plaintiff to an award of punitive damages against said Defendants, and each of them, in the amount of \$ 10,000,000, jointly and severally.

FOURTH CAUSE OF ACTION

(VIOLATION OF CIVIL RIGHTS)

(AGAINST DEFENDANTS DWYER AND THOMAS)

41. Plaintiff refers to and incorporates, as though fully set forth herein, Paragraphs 1 through 39, inclusive, of the Complaint, and any and all allegations contained therein.

42. This is a civil rights complaint for declaratory relief, equitable relief and other appropriate relief pursuant to 42 U.S.C. 1983 et seq. Plaintiff's civil rights have been violated by Defendant

COMPLAINT

1
2 DWYER illegally blocking, or causing to be blocked, his cell phone number, 310-867-1289, to the
3 San Francisco Clerk's Office of the Ninth Circuit Court of Appeals, telephone number 415-355-8000.
4 This blockage, upon reasonable information and belief, was done with the wrongful, unconstitutional
5 and illegal authorization, consent, knowledge, supervision and ratification of Defendant THOMAS.
6 It was done more than a year ago and continues to the present. Defendants DWYER and THOMAS
7 were put on notice, administratively, and at all times relevant hereto, that DYDZAK's cell phone was
8 unlawfully blocked, against due process, equal protection of laws and his First Amendment right to
9 access to the courts. As of the date of this Complaint, and continuing to the present, Defendants
10 DWYER and THOMAS have not unblocked, or taken steps to unblock, Plaintiff's cell phone to the
11 aforesaid Ninth Circuit number, all to his damage and prejudice and against his civil and constitutional
12 rights.
13

14 43. Federal actors, such as Defendants DWYER and THOMAS, acting under color of
15 federal authority can be sued for violation of civil rights Bivens v. Six Unnamed Agents, 403 U.S.
16 388 (1971). Since both of them were acting administratively, illegally and in bad faith, said
17 Defendants enjoy no immunity from monetary damages. In this matter, Defendants DWYER and
18 THOMAS, and each of them, acted unreasonably and unlawfully so as to violate Plaintiff's
19 constitutionally and federally protected rights, as herein alleged and described.
20

21 44. As a direct, legal and proximate result of the above-referenced Defendants'
22 misconduct and unlawful, wrongful actions, as herein alleged and described, Plaintiff has sustained
23 general damages, according to proof.
24

25 45. Plaintiff is entitled to appropriate declaratory and equitable relief, declaring that his

26 COMPLAINT

1 civil and constitutional rights have been violated as aforesaid by Defendants DWYER and THOMAS.

2 A Temporary Restraining Order (TRO), Preliminary Injunction and Permanent Injunction should
3 issue, enjoining said Defendants from continuing to violate Plaintiff's civil and constitutional rights.

4 46. Plaintiff is also entitled to an award of punitive damages due to a showing of malice,
5 fraud and oppression by said Defendants towards DYDZAK, in the amount of \$ 10,000,000.

6
7 **FIFTH CAUSE OF ACTION**

8 **(VIOLATION OF CIVIL RIGHTS)**

9
10 **(AGAINST DEFENDANTS CHESNEY, SILVERMAN, FLETCHER AND RAWLINSON)**

11
12 47. Plaintiff refers to and incorporates, as though fully set forth herein, Paragraphs 1
13 through 46, inclusive, of the Complaint, and any and all allegations contained therein.

14 48. The above-named Defendants, and each of them, violated Plaintiff's civil rights by the
15 following:

16
17 (1) Defendant CHESNEY violated her oath to be fair and impartial as a federal judge in a
18 case filed in the Northern District of California U.S. District Court, DYDZAK V. USA et al
19 ["NORTHERN DISTRICT CASE"]. She was disqualified in law and fact, subject to disqualification,
20 and has biases and conflicts of interest or the appearance of same. Any and all of her Orders and
21 rulings are therefore void ab initio, including a "fraud upon the court", overbroad and void Pre-filing
22 Order against DYDZAK.

23
24 (2) Defendant CHESNEY had the case illegally transferred to her after having, upon
25 information and belief, improper ex parte and extrajudicial communications and contacts with third

26 COMPLAINT

1 parties and Defendant CANTIL-SAKAUYE and/or agents of said latter Defendant She had an
2 unethical, preexisting relationship with material witness and party, CANTIL-SAKAUYE.

3 (3) As a "senior status" judge, Defendant CHESNEY was not properly, legally assigned to
4 hear the NORTHERN DISTRICT CASE per statutory requirements under 28 USC Section 294. She
5 therefore did not have jurisdiction and standing to hear and adjudicate the case, and acted in the
6 absence of jurisdiction. Mireles v. Waco, 502 U.S. 9 (1991).

7 (4) Defendants SILVERMAN, FLETCHER and RAWLINSON, and each of them, acted
8 unethically, fraudulently and illegally in the appeal of the NORTHERN DISTRICT CASE (18-15673,
9 9th Cir.) by ruling since said Panel had a "senior status" judge, Defendant SILVERMAN, who was
10 not properly, legally assigned to the case. 28 USC Section 294,
11

12 (5) Defendants SILVERMAN, FLETCHER and RAWLINSON, and each of them, violated
13 DYDZAK's civil rights by not ruling on four pending motions in case 18-15673, thereby obstructing
14 justice.
15

16 49. At all times relevant hereto, and continuing to the present, Defendant THOMAS and
17 Defendant SCHIFFER, upon reasonable information and belief, knew about the aforesaid wrongful
18 conduct by Defendants CHESNEY, SILVERMAN, FLETCHER and RAWLINSON and have
19 acquiesced in the judicial corruption and misconduct at issue.

20 50. With respect to the Fifth Cause of Action herein, Plaintiff is not suing Defendants
21 CHESNEY, SILVERMAN, FLETCHER and RAWLINSON for monetary damages, only appropriate
22 equitable and declaratory relief. As federal actors, acting under color of federal law, said Defendants,
23 and each of them, acted unreasonably and unlawfully so as to violate Plaintiff's constitutional and
24 federally protected rights, as herein alleged and described.
25

26 COMPLAINT

SIXTH CAUSE OF ACTION

(VIOLATION OF CIVIL RIGHTS)

(AGAINST DEFENDANTS SHAW, SCHIFFER, CANBY, GOULD AND TALLMAN)

52. Plaintiff refers to and incorporates, as though fully set forth herein, Paragraphs 1 through 51, inclusive, of the Complaint and any and all allegations contained therein.

53. The above-named Defendants, and each of them, violated Plaintiff's civil rights by the following:

(1) In the Ninth Circuit case, 10-80193, In re DANIEL DAVID DYDZAK, Esq., Defendant SHAW misrepresented to DYDZAK, at all times relevant hereto, that he could make rulings and conduct an evidentiary hearing in a judicial capacity. This was a false misrepresentation and extrinsic fraud or "fraud upon the court." The Judicial Council of the United States confirmed to DYDZAK that Defendant SHAW is an inactive attorney and not a qualified federal judge. At present, and at all times relevant hereto, Defendant SHAW is and was not an Article III Judge. Thus, any and all rulings and Orders by Defendant SHAW in Case No. 10-80193 are, and were at all times herein mentioned, void ab initio and should be reversed and set aside.

(2) Defendant SCHIFFER, as a federally licensed attorney who assisted Defendant SHAW

1 in the aforesaid 9th Circuit case is, and was aware at all times herein mentioned, that Defendant SHAW
2 is not a proper federal judge but has perpetuated with Defendant SHAW that fraud upon the court.

3 (3) Upon information and belief, Defendants SHAW and SCHIFFER have been “bribed” by
4 financial incentives and illicit payments by Defendant SCHWAB to harm DYDZAK and prepare
5 rulings against him. At the very least, these Defendants have financial conflicts of interest or the
6 appearance of same.

7 (4) Defendants CANBY, GOULD and TALLMAN acted unethically, fraudulently and
8 illegally by doing rulings and Orders adverse to DYDZAK in Case No. 10-80193 without a proper
9 and legal three-judge quorum, as required by 28 USC Section 46©. Furthermore, they violated the
10 statutory requirements of 28 USC Section 294, because Defendant CANBY could not act as a “senior
11 status” judge on the case, as he was not duly appointed pertaining thereto. As well, Defendants
12 CANBY, GOULD and TALLMAN perpetrated a “fraud upon the court” by using Defendant SHAW
13 as a purported judicial officer or judge when he is not a proper Article III Judge but simply an inactive
14 attorney. At all times relevant hereto, and continuing to the present, Defendants CANBY, GOULD,
15 TALLMAN, SHAW and SCHIFFER knew, or reasonably should have known, they the Panel was
16 irregular and unlawful. They all further knew that Defendant SHAW is not a proper judge or judicial
17 officer. Upon further information and believe, all of these Defendants had biases and conflicts of
18 interest, or the appearance of same, towards Plaintiff.

19 (5) At all times relevant hereto, and continuing to the present, Defendants CANBY,
20 GOULD, TALLMAN, SHAW and SCHIFFER are acting illegally and obstructing justice by there
21 not being rulings in the Ninth Circuit on pending motions filed in or about 2016 and 2017. Defendant

22 COMPLAINT

1 THOMAS is, and was at all times herein mentioned, aware of this situation but, administratively,
2 does nothing about the aforesaid unlawful and fraudulent conduct. The Rule of Law means nothing
3 to these Defendants. The fair and proper administration of justice means nothing to these Defendants.

4 54. Defendants CANBY, GOULD and TALLMAN are being sued in the Sixth Cause of
5 Action for only equitable and declaratory relief. Plaintiff is not seeking monetary damages against
6 any of these Defendants with regard to the Sixth Count of this Complaint.

7
8 55. Defendants SHAW and SCHIFFER are being sued in the Sixth Cause of Action for
9 monetary damages, equitable and declaratory relief. As federal actors illegally acting under color of
10 authority, they do not have absolute immunity from damages but only quasi-judicial immunity. They
11 can be personally sued for damages because their illegal conduct offends constitutional norms and
12 they did not, and continue to not, act reasonably and fairly towards DYDZAK. Harlow v. Fitzgerald,
13 457 U.S. 800 (1982). Their tortious conduct is, and was at all times herein mentioned, unpardonable
14 and flagrantly illegal and offensive. Their conduct is criminal as well, because they have acted, and
15 are continuing to act, to obstruct justice in harming and injuring DYDZAK. They should be held in
16 civil and criminal contempt. Defendants CANBY, GOULD, TALLMAN and THOMAS' willing
17 acquiescence in this criminal and civil wrongdoing is, and was at all times herein mentioned,
18 actionable and unconscionable.

19
20 56. The above-named Defendants, and each of them, as federal actors, acted unreasonably
21 and unlawfully, so as to violate Plaintiff's constitutional and federally protected rights, as herein
22 alleged and described.

23
24 57. As a direct, legal and proximate result of the above-referenced Defendants'
25 misconduct and unlawful, wrongful actions, as herein alleged and described, Plaintiff has sustained

26 COMPLAINT

1 general damages, according to proof, with respect to Defendants SHAW and SCHIFFER. With regard
 2 to all of the named Defendants herein, Plaintiff is entitled to appropriate equitable and declaratory
 3 relief, including a TRO, Preliminary Injunction and Permanent Injunction, against them.

4 58. With regard to Defendants SHAW and SCHIFFER, they acted with malice, fraud and
 5 oppression towards DYDZAK. An award of punitive damages is therefore warranted against them in
 6 the amount of \$ 10,000,000.

7
 8
 9 **SEVENTH CAUSE OF ACTION**

10 **(VIOLATION OF CIVIL RIGHTS)**

11 **(AGAINST DEFENDANTS KING, FERNANDEZ, TASHIMA AND WARDLAW)**

12
 13 59. Plaintiff refers to and incorporates, as though fully set forth herein, Paragraphs 1
 14 through 58, inclusive, of the Complaint, and any and all allegations contained therein.

15
 16 60. As federal actors, the above-named Defendants acted under color of authority to
 17 violate DYDZAK's civil and constitutional rights in IN RE DANIEL DAVID DYDZAK in the
 18 County of Los Angeles, State of California, on or about February 11, 2013, on other relevant dates,
 19 and continuing to the present.

20 61. The following wrongful actions were committed by these Defendants, without
 21 limitation:

22 (1) In a case in the federal District Court in Los Angeles, California (D.C. No. 2:10-mc-
 23 00270-GHK), Defendant KING had, upon information and belief, improper ex parte communications
 24 and contacts to affect the outcome of this case. Defendant KING further has, and had at all times
 25

26 COMPLAINT

15

1 herein mentioned, biases and conflicts of interest, or the appearance of same, towards DYDZAK,
2 including but not limited to taking bribes or financial incentives from Defendant SCHWAB.

3 (2) Defendant KING denied as a jurist DYDZAK a fair and impartial process in the
4 aforementioned case, and would not provide him an evidentiary hearing to contest certain disciplinary
5 proceedings affecting DYDZAK. Same is, and was at all times herein mentioned, against, without
6 limitation, substantive and procedural due process, equal protection of laws, and proper First
7 Amendment access to the courts.

8 (3) Upon information and belief, Defendant KING had improper, unethical and unlawful
9 communications with Defendants GEORGE and CANTIL-SAKAUYE, so as to fraudulently and
10 maliciously do rulings adverse to DYDZAK.

11 (4) As a result of the foregoing, Defendant KING's rulings and Orders adverse to DYDZAK
12 are, and were at all times herein mentioned, void ab initio.

13 (5) In the appeal of the aforesaid District Court case, 9th Circuit Case No. 11-56028,
14 Defendants FERNANDEZ, TASHIMA and WARDLAW, individually and as jurists, acted
15 unlawfully and unconstitutionally towards Plaintiff by doing rulings and Orders adverse to him. In
16 particular, they acted and are acting without a proper legal quorum as "senior status" Defendant
17 FERNANDEZ was not duly appointed to rule in the case. Further, they have, and had at all times
18 herein mentioned, biases and conflicts of interest, or the appearance of same towards Plaintiff, and
19 they are willingly, unethically refusing to rule on pending motions. In particular, Defendant
20 WARDLAW was wrongfully bribed by Defendant SCHWAB to harm DYDZAK, or has and had
21 financial conflicts of interest involving Defendant SCHWAB or his business entities. Upon further
22 information and belief, Defendant TASHIMA has and had financial conflicts of interest, making
23
24
25

26 COMPLAINT

16

monies from the State Bar of California ^{which DR} who dislikes DYDZAK for exposing its corruption and judicial corruption. These Defendants, upon further information and belief, have been involved in ongoing improper and unethical ex parte and extrajudicial communications with Defendants ROTHENBERG, GEORGE, E.GEORGE, and CANTIL-SAKAUYE to harm and injure DYDZAK.

62. Egregiously, and against DYDZAK's civil and constitutional rights, Defendants FERNANDEZ, WARDLAW and TASHIMA continue to not disqualify themselves in the aforesaid appeal despite an illegal panel. Upon information and belief, they further are involved in an illegal cover-up of not having the Ninth Circuit Court of Appeals rule in this appeal on pending, valid motions filed on April 1, 2016, and January 28, 2020. This ongoing unlawful failure to rule and obstruct justice is known, administratively, to Defendant THOMAS and Defendant SCHIFFER. who have taken no steps to remedy the wrongful situation.

63. Defendants KING, FERNANDEZ, WARDLAW and TASHIMA are not being sued in this Seventh Cause of Action for monetary damages but only appropriate equitable and declaratory relief declaring that DYDZAK's civil and constitutional rights have been violated. Due to the illegal conduct of said Defendants, a TRO, Preliminary Injunction and Permanent Injunction should issue as well to protect Plaintiff's civil and constitutional rights, according to proof.

EIGHTH CAUSE OF ACTION

(VIOLATION OF CIVIL RIGHTS)

(AGAINST DEFENDANTS DATO AND CANTIL-SAKAUYE)

64. Plaintiff refers to and incorporates, as though fully set forth herein, Paragraphs 1

1 through 63, inclusive, of the Complaint and any and all allegations contained therein.

2 65. This is a civil rights complaint pursuant to 42 U.S.C. 1983 et seq. where appropriate
3 declaratory and equitable relief is sought. Plaintiff's civil rights have been violated, as herein alleged.

4 66. Defendant DATO is not being sued in this 8th count for monetary damages, only
5 appropriate declaratory and equitable relief. Since Defendant CANTIL-SAKAUYE is acting in an
6 administrative capacity as head of the Judicial Council of California, she can be sued in this cause of
7 action for damages and equitable and declaratory relief for violating Plaintiff's civil and constitutional
8 rights.
9

10 67. Upon information and belief, on April 5, 2013, and continuing to the present
11 Defendant CANTIL-SAKAUYE had improper ex parte and extrajudicial communications with
12 Defendant DATO to cause Plaintiff to be improperly put on a Vexatious Litigant List or Pre-filing
13 List with respect to Plaintiff's being able to file any legal cases in the State of California. Defendant
14 DATO had no jurisdiction to act and acted in the absence of jurisdiction because of his illegal and
15 improper contacts and communications with Defendant CANTIL-SAKAUYE. He thereby conspired
16 with Defendant CANTIL-SAKAUYE to commit extrinsic fraud or a "fraud upon the court" in a case
17 illegally transferred to the San Diego Superior Court from Orange County Superior Court involving
18 DYDZAK. There were no San Diego based Defendants warranting the case being heard in that
19 judicial territory or jurisdiction.
20

21 68. Upon further information and belief, Defendant DATO was rewarded by Defendant
22 CANTIL-SAKAUYE for the aforesaid extrinsic fraud by his being subsequently promoted to the San
23 Diego Court of Appeal as a jurist. She also used her influence as well in his being appointed as a
24 member serving on the California Commission On Judicial Performance. She did so in order that he
25

could protect her history of judicial corruption and malfeasance towards Plaintiff and others.

69. State actors, such as Defendants DATO and CANTIL-SAKAUYE, acting under color of state authority, can be sued for violation of civil rights. DYDZAK is being unfairly denied access to the California courts due to the wrongful and unlawful acts of the aforesaid Defendants.

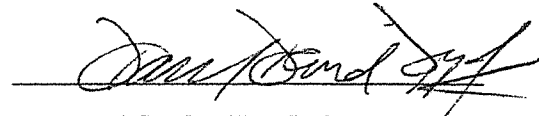
70. Plaintiff is entitled to an award of general damages, according to proof, against Defendant CANTIL-SAKAUYE. Because of her malice, fraud and oppression towards him, Plaintiff is also entitled to an award of punitive damages in the amount of \$ 10,000,000.

71. Appropriate equitable and declaratory relief should be granted against these Defendants and the issuance of appropriate injunctive relief, according to proof.

WHEREFORE, Plaintiff prays judgment as follows:

1. For appropriate ^{no general damages} equitable, declaratory and injunctive relief, as prayed and according to proof;
2. For punitive damages, as prayed and according to proof;
3. For reasonable attorney's fees, according to proof;
4. For costs of suit incurred herein and
5. For such other and further relief as the Court deems proper and just in the premises.

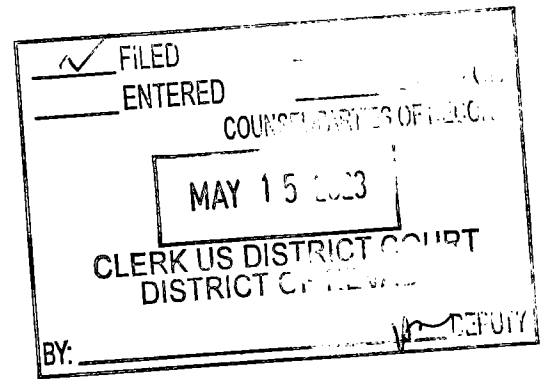
Dated: November 28, 2021



DANIEL DAVID DYDZAK

Plaintiff

1 Daniel David Dydzak
2 Plaintiff
3 4265 Marina City Drive, Suite 407W
4 Marina del Rey, CA 90292
5 Telephone: (310) 867-1289
6 Email: ddydzak@yahoo.com



7
8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 **Case No. 2:22-cv-01008-APG-VCF**

11
12 **NOTICE OF APPEAL**

13 **DANIEL DAVID DYDZAK,**

14 Plaintiff,

15 v.

Before Hon. Andrew P. Gordon,
U.S. District Judge

16 **TANI CANTIL-SAKAUYE, et al.,**

17 Defendants.

18
19
20 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

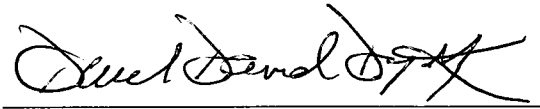
21 **NOTICE IS HEREBY GIVEN** that Plaintiff, DANIEL DAVID DYDZAK, hereby
22 appeals to the Ninth Circuit Court of Appeals from the Judgment filed and entered in this
23 action on April 18, 2023, in favor of Defendant JOHNNIE RAWLINSON and against
24 said Plaintiff.
25

26
27
28 **DYDZAK V. CANTIL-SAKAUYE**

JUDGMENT

Respectfully Submitted,

Dated: May 12, 2023

A handwritten signature in black ink, appearing to read "Daniel David Dydzak", written over a horizontal line.

DANIEL DAVID DYDZAK

Plaintiff

CERTIFICATE/PROOF OF SERVICE

I, JIM LANE, hereby declare that I am over the age of eighteen years and am not a party to the within above-entitled action, that I am employed in the County of Los Angeles, State of California, and that my business address is 4265 Marina City Drive, Suite 407W, Marina del Rey, CA 90292.

On May 12, 2023, I served a true and correct copy of the following document or pleading on the interested parties or their counsel of record:

NOTICE OF APPEAL

☒ [BY U.S. MAIL] On this same day, I mailed the interested parties or their counsel of record the above-described document or pleading by regular United States mail to their respective service or mailing addresses.

OLSON CANNON GORMLEY & STOBERSKI
9950 WEST CHEYENE AVENUE
LAS VEGAS, NEVADA 89129


MARQUIS AURBACH
10001 PARK RUN DRIVE
LAS VEGAS, NEVADA 89145

QUINTAIROS, PRIETO, WOOD & BOYER, P.A.
200 S. VIRGINIA ST., 8TH FL.
RENO, NEVADA 89501

PATRICK A. ROSE, ESQ.
U.S. ATTORNEY OFFICE
501 LAS VEGAS BLVD. SO.
SUITE 1100
LAS VEGAS, NEVADA 89101

1 ERIC M. GEORGE LEWIS ROCA
2 RONALD M. GEORGE 3993 HOWARD HUGHES PARKWAY
3 ALAN I. ROTHENBERG STE 600
4 c/o 2121 AVENUE OF THE STARS LAS VEGAS, NEVADA 89161
5 30TH FLOOR
6 LOS ANGELES, CA 90067
7
8 HINSHAW & CULBERTSON, LLP
9 350 SOUTH GRAND AVE., STE 3600
10 LOS ANGELES, CA 90071

11 I declare under penalty of perjury under the laws of the United States of America that the
12 foregoing is true and correct, and that this Declaration was executed on May 12 , 2023,
13 at Los Angeles, California.
14

15
16 

17 JIM LANE

18 Declarant
19
20
21
22
23
24
25
26
27
28

DANIEL DAVID DYDZAK
4265 MARINA CITY DRIVE, SUITE 407W
MARINA DEL REY, CA 90292
Telephone: (310) 867-1289

Clerk's Office (Civil Filing)
Lloyd D. George Courthouse
333 S. Las Vegas Blvd.
Las Vegas, Nevada 89101

FILED	RECORDED
ENTERED	SERIALIZED
COUNSEL PARTIES OF RECORD	
MAY 15 2023	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY

May 12, 2023

RE: DANIEL DAVID DYDZAK V. TANI CANTIL-SAKAUYE ET AL.;
CASE NO. 2:22-cv-01008-APG-VCF

Dear Clerk:

Please file FORTHWITH the enclosed Notice of Appeal. I will pay the filing fee for same or obtain the fee waiver later. Thank you.

Very truly yours,

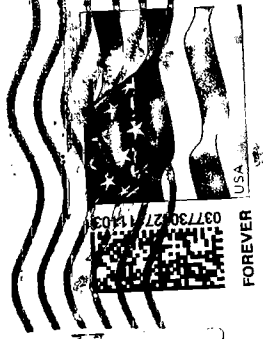

DANIEL DAVID DYDZAK
Plaintiff-Appellant

Encl.

David D. Dydson
4265 Marina City Dr.

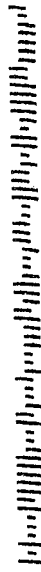
#48100
David D. Dydson (Clerk) LA 90292

RECEIVED
COUNSEL PARTIES OF RECORD
MAY 15 2023
CLERK US DISTRICT COURT
DISTRICT OF NEVADA



U.S. MARSHALS SERVICE
Clerk's Office (Civil Filings)
Lloyd P. George Courthouse
353 S. Las Vegas Blvd.
Las Vegas, Nevada 89101

89101-706599



1 Daniel David Dydzak
2 Plaintiff
3 4265 Marina City Drive, Suite 407W
4 Marina del Rey, CA 90292
5 Telephone: (310) 867-1289
6 Email: ddydzak@yahoo.com

FILED	RECEIVED
ENTERED	SERVED ON
COUNSEL/PARTIES OF RECORD	
AUG 30 2023	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY

7
8 **UNITED STATES DISTRICT COURT**
9 **FOR DISTRICT OF NEVADA**

10 **No. 2:22-cv-01008-APG-VCF**

11
12 **DANIEL DAVID DYDZAK,**
13 **Plaintiff,**

NOTICE OF APPEAL

14
15 **v.**

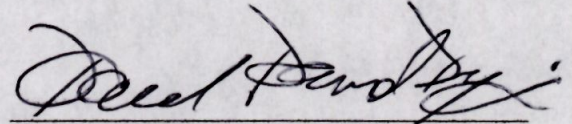
16 **TANI CANTIL-SAKAUYE, et al.,**
17 **Defendants.**

18
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21 **TO THIS HONORABLE COURT, ALL PARTIES AND THEIR COUNSEL OF**
22 **RECORD:**

23
24 **NOTICE IS HEREBY GIVEN that Plaintiff, DANIEL DAVID DYDZAK**
25 **(“DYDZAK”), appeals to the Ninth Circuit Court of Appeals from the Order Directing**
26 **Entry of Judgment and Judgment filed and dated August 4, 2023 (Docket Entries 96 and**
27 **97).**

28 **DYDZAK V. CANTIL-SAKAUYE**

1
2 Dated: August 28, 2023

3 

4 DANIEL DAVID DYDZAK

5 Plaintiff
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CERTIFICATE/PROOF OF SERVICE

I, JIM LANE, hereby declare that I am over the age of eighteen years and am not a party to the within above-entitled action, that I am employed in the County of Los Angeles, State of California, and that my business address is 4265 Marina City Drive, Ste 407W, Marina del Rey, CA 90292.

On August 28, 2023, I served a true and correct copy of the following document or pleading on the interested parties or their counsel of record:

NOTICE OF APPEAL

☒ [BY U.S. MAIL] On this same day, I mailed the interested parties or their counsel of record the above-described document or pleading by regular United States mail to their respective service or mailing addresses.

OLSON CANNON GORMLEY & STOBERSKI
9950 WEST CHEYENE AVENUE
LAS VEGAS, NEVADA 89129

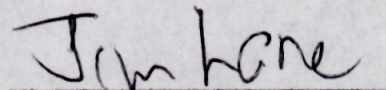
MARQUIS AURBACH
10001 PARK RUN DRIVE
LAS VEGAS, NEVADA 89145

QUINTAIROS, PRIETO, WOOD & BOYER, P.A.
200 S. VIRGINIA ST., 8TH FL.
RENO, NEVADA 89501

PATRICK A. ROSE, ESQ.
U.S. ATTORNEY OFFICE
501 LAS VEGAS BLVD. SO.
SUITE 1100
LAS VEGAS, NEVADA 89101

1 ERIC M. GEORGE LEWIS ROCA
2 RONALD M. GEORGE 3993 HOWARD HUGHES PARKWAY
3 ALAN I. ROTHENBERG STE 600
4 c/o 2121 AVENUE OF THE STARS LAS VEGAS, NEVADA 89161
5 30TH FLOOR
6 LOS ANGELES, CA 90067
7
8 HINSHAW & CULBERTSON, LLP
9 350 SOUTH GRAND AVE., STE 3600
10 LOS ANGELES, CA 90071

11 I declare under penalty of perjury under the laws of the United States of America that the
12 foregoing is true and correct, and that this Declaration was executed on August 28, 2023.
13 at Los Angeles, California.
14

15
16 

17 JIM LANE

18 Declarant
19
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User Name: Anjelica Vazquez

Date and Time: Monday, May 13, 2024 12:15:00PM PDT

Job Number: 224165994

Document (1)

1. [2:22cv1008, Dydzak V. Cantil-Sakauye Et Al](#)

Client/Matter: -None-

Search Terms: number(2:22-cv-01008)

Search Type: Terms and Connectors

Narrowed by:

Content Type
Dockets

Narrowed by
Case Status: Open,Unknown,Closed; Court: U.S. District
Nevada

2:22cv1008, Dydzak V. Cantil-Sakauye Et Al

US District Court Docket
United States District Court, Nevada
(Las Vegas)

This case was retrieved on **05/12/2024**

Header

Case Number: 2:22cv1008

Date Filed: 06/24/2022

Assigned To: Judge Andrew P. Gordon

Referred To: Magistrate Judge Cam Ferenbach

Nature of Suit: Other Civil Rights (440)

Cause: Petition for Removal

Lead Docket: None

Other Docket: Ninth Circuit Court of Appeals, 23-16193,
Ninth Circuit, 23-15784, Ninth Circuit, 23-16122, Ninth
Circuit, Court of Appeals, 22-16717

Jurisdiction: U.S. Government Defendant

Class Code: Closed

Closed: 04/18/2023

Statute: 28:1442

Jury Demand: Plaintiff

Demand Amount: \$0

NOS Description: Other Civil Rights

Participants

Litigants

Daniel David Dydzak
Plaintiff

Tani Cantil-Sakauye
[Terminated: 09/29/2022]
Defendant

Midfirst Bank
[Terminated: 10/07/2022]
Defendant

Attorneys

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PRO SE

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Anjelica Vazquez

SER-588

Litigants**Attorneys**

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Defendant

Maxine Chesney
Defendant

William Dato
[Terminated: 10/07/2022]
Defendant

Molly Dwyer
Defendant

Ferdinand Francis Fernandez
Defendant

William Fletcher
Defendant

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Eric M George
ATTORNEY TO BE NOTICED

Litigants

90067 |
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Defendant

Ronald George
[Terminated: 10/07/2022]
Defendant

Ronald Gould
Defendant

George King
Defendant

Thomas Layton
[Terminated: 10/18/2022]
Defendant
Kim McClane Wardlaw
Defendant

Donald Miles
[Terminated: 10/07/2022]
Defendant

Jorge Navarrete
[Terminated: 09/29/2022]
Defendant

Johnnie Rawlinson
Defendant

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90067 |
[Terminated: 10/07/2022]

Defendant

Edward Ephraim Schiffer
Defendant

Charles Schwab
[Terminated: 10/07/2022]
Defendant

Peter Lind Shaw
Defendant

Barry Silverman
Defendant

Richard Tallman
Defendant

Wallace Tashima
Defendant

Sidney Thomas
Defendant

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Proceedings

#	Date	Proceeding Text	Source
1	06/24/2022	PETITION FOR REMOVAL from Eighth Judicial District Court, Case Number A-22-847734-C, by Edward Ephraim Schiffer, Peter Lind Shaw, Sidney Thomas, George King, Molly Dwyer. Proof of service due by 5/4/2022. (Attachments: # 1 Civil Cover Sheet, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C) (Rose, Patrick) NOTICE of Certificate of Interested Parties requirement: Under Local Rule 7.1-1, a party must immediately file its disclosure statement with its first appearance, pleading, petition, motion, response, or other request addressed to the court. (Entered: 06/24/2022)	
	06/27/2022	Attorney update in case: Attorney Thomas D Dillard for Tani Cantil-Sakauye, William Dato, and Jorge Navarrete. Craig R. Anderson for Donald Miles. (DRS) (Entered: 06/27/2022)	
	06/27/2022	Case randomly assigned to Judge Andrew P. Gordon and Magistrate Judge Cam Ferenbach. (DRS) (Entered: 06/27/2022)	
2	06/27/2022	STANDING ORDER. This case has been assigned to the Honorable Andrew P. Gordon. Judge Gordon's Chambers Practices, which are posted on the U.S. District Court, District of Nevada public website, may also be accessed directly via this hyperlink: www.nvd.uscourts.gov . (Copies have been distributed pursuant to the NEF - DRS) (Entered: 06/27/2022)	
3	06/27/2022	MINUTE ORDER IN CHAMBERS of the Honorable Judge Andrew P. Gordon on 6/27/2022. Statement regarding removed action is due by 7/12/2022. Joint Status Report regarding removed action is due by 7/27/2022. (Copies have been distributed pursuant to the NEF - DRS) (Entered: 06/27/2022)	
4	07/01/2022	MOTION to Extend Time (First Request) to Respond to Plaintiffs Complaint re 1 Petition for Removal,, by Defendants Molly Dwyer, George King, Edward Ephraim Schiffer, Peter Lind Shaw, Sidney Thomas. (Rose, Patrick) (Entered: 07/01/2022)	
5	07/01/2022	MOTION to Dismiss by Defendants Eric George, Ronald George, Alan I Rothenberg.. Responses due by 7/15/2022. Discovery Plan/Scheduling Order due by 8/15/2022. (Attachments: # 1 Declaration, # 2 Declaration, # 3 Declaration, # 4 Certificate of Service)(HAM) NOTICE of Certificate of Interested Parties requirement: Under Local Rule 7.1-1, a party must immediately file its disclosure statement with its first appearance, pleading, petition, motion, response, or other request addressed to the court. (Entered: 07/05/2022)	
6	07/01/2022	CERTIFICATE of Interested Parties by Eric George, Ronald George, Alan I Rothenberg that identifies all parties that have an interest in the outcome of this case. (HAM) (Entered: 07/05/2022)	
7	07/01/2022	Consent for Electronic Service of Documents by Defendant Eric George. (HAM) (Entered: 07/05/2022)	
8	07/01/2022	REQUEST for Judicial Notice re 5 Motion to Dismiss,, by Defendants Eric George, Ronald George, Alan I Rothenberg. (HAM) (Entered: 07/05/2022)	
9	07/05/2022	First STIPULATION FOR EXTENSION OF TIME (First Request) for Defendant MidFirst Bank to Respond to Plaintiff's Complaint by Defendants 1st Century Bancshares, Inc., 1st Century Bank. by Defendants 1st Century Bancshares, Inc., 1st Century Bank. (Ayers, Michael) (extend) (answer) (Entered: 07/05/2022)	
10	07/05/2022	ORDER Granting 9 Stipulation for Extension of Time. 1st Century Bank answer due 7/20/2022. Signed by Magistrate Judge Cam Ferenbach on 7/5/2022. (Copies have been distributed pursuant to the NEF - JQC) (Entered: 07/06/2022)	

2:22cv1008, Dydzak V. Cantil-Sakauye Et Al

#	Date	Proceeding Text	Source
11	07/06/2022	MINUTE ORDER IN CHAMBERS of the Honorable Judge Andrew P. Gordon on 7/6/2022. Regarding the Requirements of Klingele v. Eikenberry and Rand v. Rowland as to 5 Motion to Dismiss,,. Opposition due 14 days from the date of this Minute Order, and reply due seven 7 days after the filing of the opposition. (Copies have been distributed pursuant to the NEF - EDS) (Entered: 07/06/2022)	
12	07/12/2022	STATEMENT REGARDING REMOVAL by Defendants Molly Dwyer, George King, Edward Ephraim Schiffer, Peter Lind Shaw, Sidney Thomas.. (Rose, Patrick) (Entered: 07/12/2022)	
13	07/12/2022	CERTIFICATE OF SERVICE for 3 Minute Order Removal Case, by Defendants Molly Dwyer, George King, Edward Ephraim Schiffer, Peter Lind Shaw, Sidney Thomas.. (Rose, Patrick) (Entered: 07/12/2022)	
14	07/12/2022	MOTION to Dismiss by Defendant William Dato. by Defendant William Dato. Responses due by 7/26/2022. Discovery Plan/Scheduling Order due by 8/26/2022. (Dillard, Thomas) NOTICE of Certificate of Interested Parties requirement: Under Local Rule 7.1-1, a party must immediately file its disclosure statement with its first appearance, pleading, petition, motion, response, or other request addressed to the court. (Entered: 07/12/2022)	
15	07/12/2022	CERTIFICATE of Interested Parties by Tani Cantil-Sakauye, William Dato, Jorge Navarrete. There are no known interested parties other than those participating in the case. (Dillard, Thomas) (Entered: 07/12/2022)	
16	07/12/2022	MOTION to Dismiss by Defendant Donald Miles. by Defendant Donald Miles. Responses due by 7/26/2022. Discovery Plan/Scheduling Order due by 8/26/2022. (Anderson, Craig) NOTICE of Certificate of Interested Parties requirement: Under Local Rule 7.1-1, a party must immediately file its disclosure statement with its first appearance, pleading, petition, motion, response, or other request addressed to the court. (Entered: 07/12/2022)	
17	07/12/2022	CERTIFICATE of Interested Parties by Donald Miles. There are no known interested parties other than those participating in the case (Anderson, Craig) (Entered: 07/12/2022)	
18	07/12/2022	MINUTE ORDER IN CHAMBERS of the Honorable Judge Andrew P. Gordon on 7/12/2022. Regarding the Requirements of Klingele v. Eikenberry and Rand v. Rowland as to 14 Motion to Dismiss, 16 Motion to Dismiss,. Opposition due 14 days from the date of this Minute Order, and reply due seven 7 days after the filing of the opposition. (Copies have been distributed pursuant to the NEF - EDS) (Entered: 07/12/2022)	
19	07/14/2022	Non-Opposition to 4 Motion to Extend/Shorten Time by Plaintiff Daniel David Dydzak. Replies due by 7/21/2022. (HAM) (Entered: 07/14/2022)	
20	07/14/2022	ORDER granting 4 Motion to Extend Time Re: 1 Petition for Removal. Molly Dwyer answer due 8/30/2022; George King answer due 8/30/2022; Edward Ephraim Schiffer answer due 8/30/2022; Peter Lind Shaw answer due 8/30/2022; Sidney Thomas answer due 8/30/2022. Signed by Magistrate Judge Cam Ferenbach on 7/14/2022. (Copies have been distributed pursuant to the NEF - HAM) (Entered: 07/14/2022)	
21	07/20/2022	CERTIFICATE of Interested Parties by 1st Century Bancshares, Inc., 1st Century Bank that identifies all parties that have an interest in the outcome of this case. Corporate Parent Midfirst Bank for 1st Century Bancshares, Inc., 1st Century Bank added.. (Ayers, Michael) (Entered: 07/20/2022)	

2:22cv1008, Dydzak V. Cantil-Sakauye Et Al

#	Date	Proceeding Text	Source
22	07/20/2022	MOTION to Dismiss 1 Petition for Removal,, by Defendants 1st Century Bancshares, Inc., 1st Century Bank. Responses due by 8/3/2022. Discovery Plan/Scheduling Order due by 9/3/2022. (Attachments: # 1 Exhibit Dydzak v. United States, 2018 U.S. Dist. LEXIS 44805, (N.D. Cal. Mar. 19, 2018), # 2 Exhibit Dydzak v. United States, 2018 U.S. Dist. LEXIS 44842 (N.D.Cal. 2018), # 3 Exhibit Vexatious Litigant List)(Ayers, Michael) NOTICE of Certificate of Interested Parties requirement: Under Local Rule 7.1-1, a party must immediately file its disclosure statement with its first appearance, pleading, petition, motion, response, or other request addressed to the court. (Entered: 07/20/2022)	
23	07/20/2022	MINUTE ORDER IN CHAMBERS of the Honorable Judge Andrew P. Gordon on 7/20/2022. Regarding the Requirements of Klingele v. Eikenberry and Rand v. Rowland as to 22 Motion to Dismiss,, Opposition due 14 days from the date of this Minute Order, and reply due seven 7 days after the filing of the opposition. (Copies have been distributed pursuant to the NEF - EDS) (Entered: 07/20/2022)	
24	07/20/2022	RESPONSE to 5 MOTION to Dismiss by Defendants Eric George, Ronald George, Alan I Rothenberg.. 22 Motion to Dismiss by Plaintiff Daniel David Dydzak. Replies due by 7/27/2022. (HAM) Modified docket relationship on 8/4/2022. Document is a response to #5 not #22. (LE). (Entered: 07/20/2022)	
25	07/25/2022	MOTION to Dismiss by Defendant Charles Schwab. Responses due by 8/8/2022. Discovery Plan/Scheduling Order due by 9/8/2022. (Attachments: # 1 Exhibit, # 2 Exhibit, # 3 Exhibit, # 4 Exhibit, # 5 Exhibit)(Blakley, Brian) NOTICE of Certificate of Interested Parties requirement: Under Local Rule 7.1-1, a party must immediately file its disclosure statement with its first appearance, pleading, petition, motion, response, or other request addressed to the court. (Entered: 07/25/2022)	
26	07/26/2022	MINUTE ORDER IN CHAMBERS of the Honorable Judge Andrew P. Gordon on 7/26/2022. Regarding the Requirements of Klingele v. Eikenberry and Rand v. Rowland as to 25 Motion to Dismiss. Opposition due 14 days from the date of this Minute Order, and reply due seven 7 days after the filing of the opposition. (Copies have been distributed pursuant to the NEF - SLD) (Entered: 07/26/2022)	
27	07/26/2022	ERRATA to 25 Motion to Dismiss, by Defendant Charles Schwab.. (Attachments: # 1 Supplement, # 2 Exhibit, # 3 Exhibit, # 4 Exhibit, # 5 Exhibit, # 6 Exhibit)(Blakley, Brian) (Entered: 07/26/2022)	
28	07/27/2022	REPLY to Response to 5 Motion to Dismiss,, by Defendants Eric George, Ronald George, Alan I Rothenberg. (Attachments: # 1 Supplement Defendants Eric M. George, Ronald M. George, and Alan I. Rothenberg's Supplemental Request for Judicial Notice in Support of Motion to Dismiss Complaint, # 2 Exhibit A to Defendants Eric M. George, Ronald M. George, and Alan I. Rothenberg's Supplemental Request for Judicial Notice in Support of Motion to Dismiss Complaint, # 3 Exhibit B to Defendants Eric M. George, Ronald M. George, and Alan I. Rothenberg's Supplemental Request for Judicial Notice in Support of Motion to Dismiss Complaint)(George, Eric) (Entered: 07/27/2022)	
29	07/27/2022	Joint STATUS REPORT by Defendants Molly Dwyer, George King, Edward Ephraim Schiffer, Peter Lind Shaw, Sidney Thomas.. (Rose, Patrick) (Entered: 07/27/2022)	
30	08/01/2022	MOTION/VERIFIED PETITION for Permission to Practice Pro Hac Vice by Michael A.S. Newman and DESIGNATION of Local Counsel Michael R. Ayers (Filing fee \$ 250 receipt number ANVDC-6993424) by Defendants 1st Century Bancshares, Inc.,	

2:22cv1008, Dydzak V. Cantil-Sakauye Et Al

#	Date	Proceeding Text	Source
		1st Century Bank. (Ayers, Michael) (Entered: 08/01/2022)	
31	08/01/2022	RESPONSE to 14 Motion to Dismiss, by Plaintiff Daniel David Dydzak. Replies due by 8/8/2022. (HAM) (Entered: 08/02/2022)	
32	08/01/2022	RESPONSE to 16 Motion to Dismiss, by Plaintiff Daniel David Dydzak. Replies due by 8/8/2022. (HAM) (Entered: 08/02/2022)	
33	08/02/2022	ORDER granting 30 Verified Petition for Permission to Practice Pro Hac Vice by Michael A.S. Newman and DESIGNATION of Local Counsel Michael R. Ayers. Signed by Judge Andrew P. Gordon on 8/2/2022. Any Attorney not yet registered with the Court's e-filing system shall register on the PACER website www.pacer.gov(Copies have been distributed pursuant to the NEF - HAM) (Entered: 08/02/2022)	
34	08/03/2022	REQUEST for Judicial Notice by Plaintiff Daniel David Dydzak. (HAM) (Entered: 08/03/2022)	
35	08/04/2022	NOTICE of Docket Correction to 24 Response, : QC Modified docket relationship on 8/4/2022. Document is a response to ECF No. 5 Motion to Dismiss. (no image attached) (LE) (Entered: 08/04/2022)	
36	08/08/2022	REPLY to Response to 16 Motion to Dismiss, by Defendant Donald Miles. (Anderson, Craig) (Entered: 08/08/2022)	
37	08/08/2022	REPLY to Response to 14 Motion to Dismiss, by Defendant William Dato. (Dillard, Thomas) (Entered: 08/08/2022)	
38	08/09/2022	CERTIFICATE OF SERVICE for 22 Motion to Dismiss,, by Defendants 1st Century Bancshares, Inc., 1st Century Bank.. (Ayers, Michael) (Entered: 08/09/2022)	
39	08/10/2022	NOTICE re 31 , 32 Responses by Daniel David Dydzak. (HAM) (Entered: 08/10/2022)	
40	08/11/2022	ORDER. It is ordered that plaintiff Daniel Dydzak's request to extend time (ECF No. 39) is GRANTED. The time for Dydzak to file responses to the motions to dismiss filed by defendants 1st Century Bank and 1st Century Bancshares, Inc. (ECF No. 22) and defendant Charles Schwab (ECF No. 25) is extended to August 25, 2022. It is further ordered that defendants 1st Century Bank and 1st Century Bancshares, Inc., which claims they have been incorrectly named in this action, shall file a motion to change the caption to accurately reflect the correctly named defendant by August 19, 2022. Signed by Judge Andrew P. Gordon on 8/11/2022. (Copies have been distributed pursuant to the NEF - HAM) (Entered: 08/11/2022)	
41	08/11/2022	RESPONSE to 22 Motion to Dismiss by Plaintiff Daniel David Dydzak. Replies due by 8/18/2022. (TRW) (Entered: 08/11/2022)	
42	08/11/2022	NOTICE by Daniel David Dydzak re Missing Opposition re 41 Response to 22 Motion to Dismiss. (HAM) (Entered: 08/12/2022)	
43	08/16/2022	REPLY to Response to 22 Motion to Dismiss,, by Defendants 1st Century Bancshares, Inc., 1st Century Bank. (Ayers, Michael) (Entered: 08/16/2022)	
44	08/16/2022	MOTION to Correct 40 Order,,, Set/Reset Deadlines & Hearings,, by Defendants 1st Century Bancshares, Inc., 1st Century Bank. Responses due by 8/30/2022. (Attachments: # 1 Declaration Declaration of Bryon Linkous)(Ayers, Michael) (pleading) (Entered: 08/16/2022)	
45	08/25/2022	RESPONSE to 25 Motion to Dismiss, by Plaintiff Daniel David Dydzak. Replies due by 9/1/2022. (HAM) (Entered: 08/25/2022)	
46	08/30/2022	MOTION to Dismiss by Defendants William Canby, Maxine Chesney, Molly Dwyer, Ferdinand Francis Fernandez, William Fletcher, Ronald Gould, George King, Johnnie Rawlinson, Edward Ephraim Schiffer, Peter Lind Shaw, Barry Silverman, Richard Tallman, Sidney Thomas, Kim McClane Wardlaw. Responses due	

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#	Date	Proceeding Text	Source
		by 9/13/2022. (Rose, Patrick) (Entered: 08/30/2022)	
47	08/31/2022	ORDER granting 44 Motion to change caption. MidFirst Bank will be a named defendant in place of 1st Century Bank and 1st Century Bancshares, Inc. Signed by Magistrate Judge Cam Ferenbach on 8/31/2022. (Copies have been distributed pursuant to the NEF - HAM) (Entered: 08/31/2022)	
48	08/31/2022	MINUTE ORDER IN CHAMBERS of the Honorable Judge Andrew P. Gordon on 8/31/2022. Regarding the Requirements of Klingele v. Eikenberry and Rand v. Rowland as to 46 Motion to Dismiss,. Opposition due 14 days from the date of this Minute Order, and reply due seven 7 days after the filing of the opposition. (Copies have been distributed pursuant to the NEF - EDS) (Entered: 08/31/2022)	
49	09/01/2022	REPLY to Response to 25 Motion to Dismiss, by Defendant Charles Schwab. (Blakley, Brian) (Entered: 09/01/2022)	
50	09/02/2022	MINUTE ORDER IN CHAMBERS of the Honorable Judge Andrew P. Gordon on 9/2/2022. Regarding the Requirements of Klingele v. Eikenberry and Rand v. Rowland as to 14 Motion to Dismiss, 16 Motion to Dismiss, 46 Motion to Dismiss, 25 Motion to Dismiss, 5 Motion to Dismiss, 22 Motion to Dismiss. Opposition due 14 days from the date of this Minute Order, and reply due seven 7 days after the filing of the opposition. (Copies have been distributed pursuant to the NEF - HAM) (Entered: 09/02/2022)	
51	09/02/2022	LETTER to Chief Judge Du from Daniel Dydzak. (HAM) (Entered: 09/02/2022)	
52	09/02/2022	MOTION to Stay Case by Plaintiff Daniel David Dydzak. Responses due by 9/16/2022. (HAM) (Entered: 09/02/2022)	
53	09/02/2022	MOTION to Appoint Special Master by Plaintiff Daniel David Dydzak. Responses due by 9/16/2022. (HAM) (Entered: 09/02/2022)	
54	09/12/2022	RESPONSE to 52 Motion to Stay Case or Discovery by Defendant Charles Schwab. Replies due by 9/19/2022. (Attachments: # 1 Exhibit 1)(Blakley, Brian) (Entered: 09/12/2022)	
55	09/12/2022	RESPONSE to 53 Motion to Appoint Special Master by Defendant Charles Schwab. Replies due by 9/19/2022. (Blakley, Brian) (Entered: 09/12/2022)	
56	09/13/2022	RESPONSE to 53 Motion to Appoint Special Master by Defendants William Canby, Maxine Chesney, Molly Dwyer, Ferdinand Francis Fernandez, William Fletcher, Ronald Gould, George King, Johnnie Rawlinson, Edward Ephraim Schiffer, Peter Lind Shaw, Barry Silverman, Richard Tallman, Sidney Thomas, Kim McClane Wardlaw. Replies due by 9/20/2022. (Rose, Patrick) (Entered: 09/13/2022)	
57	09/13/2022	JOINDER to 55 Response to 53 Motion to Appoint Special Master by Defendant Donald Miles. (Anderson, Craig) Modified to link back to underlying motion on 9/15/2022 (EDS). (Entered: 09/13/2022)	
58	09/13/2022	JOINDER to 56 Response to 53 Motion to Appoint Special Master by Defendant Donald Miles. (Anderson, Craig) Modified to link back to underlying motion on 9/15/2022 (EDS). (Entered: 09/13/2022)	
59	09/14/2022	RESPONSE to 52 Motion to Stay Case or Discovery by Defendant Donald Miles. Replies due by 9/21/2022. (Anderson, Craig) (Entered: 09/14/2022)	
60	09/14/2022	RESPONSE to 52 Motion to Stay Case or Discovery, 53 Motion to Appoint Special Master by Defendants Eric George, Ronald George, Alan I Rothenberg. Replies due by 9/21/2022. (George, Eric) (Entered: 09/14/2022)	

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#	Date	Proceeding Text	Source
61	09/14/2022	EX PARTE MOTION for Extension of Time (First Request) to file Response re 46 Motion to Dismiss by Plaintiff Daniel David Dydzak. (TRW) (answer) (Entered: 09/14/2022)	
62	09/14/2022	RESPONSE to 52 Motion to Stay Case or Discovery by Defendants William Canby, Maxine Chesney, Molly Dwyer, Ferdinand Francis Fernandez, William Fletcher, Ronald Gould, George King, Johnnie Rawlinson, Edward Ephraim Schiffer, Peter Lind Shaw, Barry Silverman, Richard Tallman, Sidney Thomas, Kim McClane Wardlaw. Replies due by 9/21/2022. (Rose, Patrick) (Entered: 09/14/2022)	
63	09/15/2022	NOTICE of intent to dismiss pursuant to FRCP 4(m). The * Petition for Removal* in this action was filed on* 6/24/2022.* To date no proper proof of service has been filed as to*Thomas Layton and Wallace Tashima.* FRCP 4(m) dismissal deadline set for 10/15/2022. (EDS) (Entered: 09/15/2022)	
64	09/15/2022	MOTION to Stay Discovery re 46 Motion to Dismiss, by Defendants William Canby, Maxine Chesney, Molly Dwyer, Ferdinand Francis Fernandez, William Fletcher, Ronald Gould, George King, Johnnie Rawlinson, Edward Ephraim Schiffer, Peter Lind Shaw, Barry Silverman, Richard Tallman, Sidney Thomas, Kim McClane Wardlaw. Responses due by 9/29/2022. (Rose, Patrick) (Entered: 09/15/2022)	
65	09/16/2022	ERROR: Document terminated - wrong event used. Attorney refiled document. See ECF 67 . JOINDER to 52 Motion to Stay Case or Discovery by Defendants Tani Cantil-Sakauye, William Dato, Jorge Navarrete. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Dillard, Thomas) Modified on 9/16/2022 (SLD). (Entered: 09/16/2022)	
66	09/16/2022	RESPONSE to 53 Motion to Appoint Special Master by Defendants Tani Cantil-Sakauye, William Dato, Jorge Navarrete. Replies due by 9/23/2022. (Attachments: # 1 Exhibit A)(Dillard, Thomas) (Entered: 09/16/2022)	
67	09/16/2022	RESPONSE to 52 Motion to Stay Case or Discovery by Defendants Tani Cantil-Sakauye, William Dato, Jorge Navarrete. Replies due by 9/23/2022. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Dillard, Thomas) (Entered: 09/16/2022)	
68	09/16/2022	RESPONSE to 53 Motion to Appoint Special Master by Defendant MidFirst Bank. Replies due by 9/23/2022. (Ayers, Michael) (Entered: 09/16/2022)	
69	09/16/2022	RESPONSE to 52 Motion to Stay Case or Discovery by Defendant MidFirst Bank. Replies due by 9/23/2022. (Ayers, Michael) (Entered: 09/16/2022)	
70	09/19/2022	REPLY to 69 Response to 64 Motion to Stay Case or Discovery, by Plaintiff Daniel David Dydzak. (HAM) (Entered: 09/20/2022)	
71	09/19/2022	REPLY to 68 Response to 53 Motion to Appoint Special Master by Plaintiff Daniel David Dydzak. (HAM) (Entered: 09/20/2022)	
72	09/21/2022	REPLY to 66 Response to 53 Motion to Appoint Special Master by Plaintiff Daniel David Dydzak. (HAM) (Entered: 09/21/2022)	
73	09/21/2022	REPLY to 57 , 58 Joinders re 53 Motion to Appoint Special Master by Plaintiff Daniel David Dydzak. (HAM) (Entered: 09/21/2022)	
74	09/22/2022	REPLY to 60 Response to 52 Motion to Stay Case or Discovery and 53 Motion to Appoint Special Master by Plaintiff Daniel David Dydzak. (TRW) (Entered: 09/22/2022)	
75	09/26/2022	RESPONSE to 69 Response to 52 Motion to Stay Case or Discovery by Plaintiff Daniel David Dydzak. (HAM) (Entered: 09/26/2022)	
76	09/26/2022	REPLY to 75 Response to 64 Motion to Stay Case or Discovery, by Plaintiff Daniel David Dydzak. (HAM) (Entered: 09/26/2022)	

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#	Date	Proceeding Text	Source
77	09/26/2022	REPLY to 75 Response to 64 Motion to Stay Case or Discovery, by Plaintiff Daniel David Dydzak. (HAM) (Entered: 09/26/2022)	
78	09/27/2022	MOTION to Extend Time (First Request) to Respond to Plaintiffs Complaint re 1 Petition for Removal,, by Defendant Wallace Tashima. Responses due by 10/11/2022. (Rose, Patrick) (answer) (Entered: 09/27/2022)	
79	09/30/2022	ORDER Denying 53 Motion to Appoint Special Master and Granting 61 Ex Parte Motion to Extend Time (First Request). Responses re 46 Motion to Dismiss due by 12/15/2022. IT IS FURTHER ORDERED that Dydzaks Motion to Stay Case (ECF No. 52) is GRANTED in part. Discovery is stayed until Judge Gordon resolves the pending Motions to Dismiss. However, the Motion is denied to the extent it seeks to stay rulings on fully briefed Motions to Dismiss. IT IS FURTHER ORDERED that the federal defendants Motion to Stay Discovery (ECF No. 64) is GRANTED. Discovery is stayed until resolution of the pending Motions to Dismiss. Signed by Judge Andrew P. Gordon on 9/30/2022. (Copies have been distributed pursuant to the NEF - TRW) (Entered: 09/30/2022)	
80	10/07/2022	ORDER Granting 5 Motion to Dismiss, 14 Motion to Dismiss, 16 Motion to Dismiss, 22 Motion to Dismiss, and 25 Motion to Dismiss. Signed by Judge Andrew P. Gordon on 10/7/2022. (Copies have been distributed pursuant to the NEF - TRW) (Entered: 10/07/2022)	
81	10/07/2022	JOINDER to 46 Motion to Dismiss, by Defendant Wallace Tashima.. (Rose, Patrick) (Entered: 10/07/2022)	
82	10/11/2022	RESPONSE to 78 Motion to Extend Time by Plaintiff Daniel David Dydzak. Replies due by 10/18/2022. (HAM) (Entered: 10/11/2022)	
83	10/18/2022	ORDER. It is ordered that Plaintiff Daniel Dydzak's claim against defendant Thomas Layton is DISMISSED without prejudice for failure to timely and properly serve. Signed by Judge Andrew P. Gordon on 10/18/2022. (Copies have been distributed pursuant to the NEF - HAM) (Entered: 10/18/2022)	
84	10/28/2022	ORDER granting 78 Motion to Extend Time Re: 1 Petition for Removal, Wallace Tashima answer due 10/31/2022. Signed by Magistrate Judge Cam Ferenbach on 10/28/2022. (Copies have been distributed pursuant to the NEF - HAM) (Entered: 10/28/2022)	
85	11/01/2022	NOTICE OF APPEAL as to 80 Order on Motion to Dismiss, by Plaintiff Daniel David Dydzak. E-mail notice (NEF) sent to the US Court of Appeals, Ninth Circuit. Filing fee not paid. (HAM) (Entered: 11/01/2022)	
86	11/03/2022	USCA ORDER for Time Schedule as to 85 Notice of Appeal filed by Daniel David Dydzak. USCA Case Number 22-16717. (Copies have been distributed pursuant to the NEF - TRW) (Entered: 11/07/2022)	
87	12/15/2022	RESPONSE to 46 Motion to Dismiss, by Plaintiff Daniel David Dydzak. Replies due by 12/22/2022. (HAM) (Entered: 12/15/2022)	
88	12/22/2022	REPLY to Response to 46 Motion to Dismiss, by Defendants William Canby, Maxine Chesney, Molly Dwyer, Ferdinand Francis Fernandez, William Fletcher, Ronald Gould, George King, Johnnie Rawlinson, Edward Ephraim Schiffer, Peter Lind Shaw, Barry Silverman, Richard Tallman, Wallace Tashima, Sidney Thomas, Kim McClane Wardlaw. (Rose, Patrick) (Entered: 12/22/2022)	
89	01/27/2023	ORDER of USCA, Ninth Circuit, as to 85 Notice of Appeal filed by Daniel David Dydzak. Appeal is DISMISSED for lack of jurisdiction. (Copies have been distributed pursuant to the NEF - TRW) (Entered: 01/27/2023)	

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#	Date	Proceeding Text	Source
90	03/21/2023	MANDATE of USCA, Ninth Circuit, as to 89 USCA Order re 85 Notice of Appeal filed by Daniel David Dydzak. Appeal is DISMISSED for lack of jurisdiction. (Copies have been distributed pursuant to the NEF - TRW) (Entered: 03/21/2023)	
91	04/17/2023	ORDER. It Is Therefore Ordered that the motion to dismiss defendants William Canby, Ferdinand Fernandez, William Fletcher, Ronald Gould, Barry Silverman, Richard Tallman, Sidney Thomas, Kim Wardlaw, Maxine Chesney, Molly Dwyer, George King, Edward Schiffer, Peter Shaw, and A. Wallace Tashima EF Nos. 46 , 81 is GRANTED. It Is Further Ordered. that the motion to dismiss defendant Johnnie Rawlinson is GRANTED with prejudice. The clerk of the court is instructed to enter judgment in favor of defendant Johnnie Rawlinson and against plaintiff Daniel Dydzak. Because there are no outstanding claims or parties, the clerk of the court is instructed to close this case. See order for further details. Signed by Judge Andrew P. Gordon on 4/17/2023. (Copies have been distributed pursuant to the NEF - LOE) (Entered: 04/18/2023)	
92	04/18/2023	JUDGMENT in favor of Johnnie Rawlinson against Daniel David Dydzak. Signed by Clerk of Court Debra K. Kempf on 4/18/2023. (Copies have been distributed pursuant to the NEF - LOE) (Entered: 04/18/2023)	
93	05/15/2023	NOTICE OF APPEAL as to 91 Order on Motion to Dismiss,,,,,, by Plaintiff Daniel David Dydzak. Filing fee \$ 505 (DUE). E-mail notice (NEF) sent to the US Court of Appeals, Ninth Circuit. (JQC) (Entered: 05/15/2023)	
94	05/16/2023	PROPOSED Judgment by Plaintiff Daniel David Dydzak. (ALZ) (Entered: 05/16/2023)	
95	05/23/2023	USCA ORDER for Time Schedule as to 93 Notice of Appeal filed by Daniel David Dydzak. USCA Case Number 23-15784. (Copies have been distributed pursuant to the NEF - JQC) (Entered: 05/25/2023)	
96	08/04/2023	ORDER. I THEREFORE ORDER the clerk of court to enter judgment as follows:Defendants Tani G. Cantil-Sakauye and Jorge Navarette are dismissed without prejudicefor lack of subject matter jurisdiction and lack of personal jurisdiction.1Defendants Eric George, Ronald George, Alan Rothenberg, William Dato, Donald Miles,MidFirst Bank, Charles Schwab, William Canby, Ferdinand Fernandez, William Fletcher,Ronald Gould, Barry Silverman, Richard Tallman, Sidney Thomas, Kim Wardlaw, MaxineChesney, Molly Dwyer, George King, Edward Schiffer, Peter Shaw, and A. Wallace Tashima are dismissed without prejudice for lack of personal jurisdiction. Defendant Thomas Layton isdismissed without prejudice for failure to timely serve. Signed by Judge Andrew P. Gordon on 8/4/2023. (Copies have been distributed pursuant to the NEF - CT) (Entered: 08/04/2023)	
97	08/04/2023	JUDGMENT in favor of MidFirst Bank, Alan I Rothenberg, Barry Silverman, Charles Schwab, Donald Miles, Edward Ephraim Schiffer, Eric George, Ferdinand Francis Fernandez, George King, Jorge Navarrete, Kim McClane Wardlaw, Maxine Chesney, Molly Dwyer, Peter Lind Shaw, Richard Tallman, Ronald George, Ronald Gould, Sidney Thomas, Tani Cantil-Sakauye, Thomas Layton, Wallace Tashima, William Canby, William Dato, William Fletcher against Daniel David Dydzak. Signed by Clerk of Court Debra K. Kempf on 8/4/2023. (Copies have been distributed pursuant to the NEF - CT) (Entered: 08/04/2023)	
98	08/14/2023	NOTICE OF APPEAL by Plaintiff Daniel David Dydzak. Filing fee \$ 505 - due. E-mail notice (NEF) sent to the US Court of Appeals, Ninth Circuit. (AMMi) (Entered: 08/18/2023)	

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#	Date	Proceeding Text	Source
99	08/23/2023	USCA ORDER for Time Schedule as to 98 Notice of Appeal filed by Daniel David Dydzak. USCA Case Number 23-16122. (Copies have been distributed pursuant to the NEF - JQC) (Entered: 08/24/2023)	
100	08/30/2023	NOTICE OF APPEAL by Plaintiff Daniel David Dydzak. Filing fee \$ 505 - due. E-mail notice (NEF) sent to the US Court of Appeals, Ninth Circuit. (AMMi) (Entered: 09/01/2023)	
101	09/05/2023	RECEIPT of Payment: \$ 505.00, receipt number 5502. (JQC) (Entered: 09/05/2023)	
102	09/19/2023	USCA ORDER for Time Schedule as to 100 Notice of Appeal filed by Daniel David Dydzak. USCA Case Number 23-16193. (Copies have been distributed pursuant to the NEF - AMMi) (Entered: 10/13/2023)	
103	11/27/2023	ORDER of USCA, Ninth Circuit, as to 100 Notice of Appeal filed by Daniel David Dydzak. This appeal is dismissed for failure to prosecute. This order served on the district court shall, 21 days after the date of the order, act as the mandate of this court. (Copies have been distributed pursuant to the NEF - ALZ) (Entered: 11/27/2023)	
105	03/04/2024	RECEIPT of Payment: \$ 605, receipt number 8242 (AMMi - Ad hoc: COA) (Entered: 04/10/2024)	
104	04/04/2024	ORDER of USCA, Ninth Circuit, as to 100 Notice of Appeal filed by Daniel David Dydzak. On January 3, 2024, this court ordered appellant to pay the fees for appeal No. 23-16193 and file a consolidated opening brief by February 29, 2024. The order warned that failure to do so would result in dismissal of the appeal(s). Appellant filed a consolidated opening brief on March 1, 2024, but has not paid the overdue fees. As a consequence, appeal No. 23-16193 is dismissed. See 9th Cir. R. 42-1. This order will be served on the district court, and in 21 days, will become the mandate of this court for appeal No. 23-16193. A motion to reinstate appeal No. 23-16193 will not be entertained absent proof that fees have been paid. Appeal No. 23-15784 remains pending. The answering brief is due May 15, 2024 and needs to address only the portions of the opening brief that relate to appeal No. 23-15784. The optional reply brief is due within 21 days of service of the answering brief. (Copies have been distributed pursuant to the NEF - RJDG) (Entered: 04/05/2024)	

Judgments

Date	In Favor Of	Against	Amount	Interest	Court Cost	Status	Status Date
04/18/2023	Johnnie Rawlinson	Daniel David Dydzak	\$ 0.00	0.00%	\$ 0.00	No Payment	04/18/2023
08/04/2023	William Canby	Daniel David Dydzak	\$ 0.00	0.00%	\$ 0.00	No Payment	08/04/2023
08/04/2023	Tani Cantil-Sakauye	Daniel David Dydzak	\$ 0.00	0.00%	\$ 0.00	No Payment	08/04/2023
08/04/2023	Maxine Chesney	Daniel David Dydzak	\$ 0.00	0.00%	\$ 0.00	No Payment	08/04/2023
08/04/2023	William Dato	Daniel David Dydzak	\$ 0.00	0.00%	\$ 0.00	No Payment	08/04/2023

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Date	In Favor Of	Against	Amount	Interest	Court Cost	Status	Status Date
08/04/2023	Molly Dwyer	Daniel David Dydzak	\$ 0.00	0.00%	\$ 0.00	No Payment	08/04/2023
08/04/2023	Ferdinand Francis Fernandez	Daniel David Dydzak	\$ 0.00	0.00%	\$ 0.00	No Payment	08/04/2023
08/04/2023	William Fletcher	Daniel David Dydzak	\$ 0.00	0.00%	\$ 0.00	No Payment	08/04/2023
08/04/2023	Eric George	Daniel David Dydzak	\$ 0.00	0.00%	\$ 0.00	No Payment	08/04/2023
08/04/2023	Ronald George	Daniel David Dydzak	\$ 0.00	0.00%	\$ 0.00	No Payment	08/04/2023
08/04/2023	Ronald Gould	Daniel David Dydzak	\$ 0.00	0.00%	\$ 0.00	No Payment	08/04/2023
08/04/2023	George King	Daniel David Dydzak	\$ 0.00	0.00%	\$ 0.00	No Payment	08/04/2023
08/04/2023	Thomas Layton	Daniel David Dydzak	\$ 0.00	0.00%	\$ 0.00	No Payment	08/04/2023
08/04/2023	MidFirst Bank	Daniel David Dydzak	\$ 0.00	0.00%	\$ 0.00	No Payment	08/04/2023
08/04/2023	Donald Miles	Daniel David Dydzak	\$ 0.00	0.00%	\$ 0.00	No Payment	08/04/2023
08/04/2023	Jorge Navarrete	Daniel David Dydzak	\$ 0.00	0.00%	\$ 0.00	No Payment	08/04/2023
08/04/2023	Alan I Rothenberg	Daniel David Dydzak	\$ 0.00	0.00%	\$ 0.00	No Payment	08/04/2023
08/04/2023	Edward Ephraim Schiffer	Daniel David Dydzak	\$ 0.00	0.00%	\$ 0.00	No Payment	08/04/2023
08/04/2023	Charles Schwab	Daniel David Dydzak	\$ 0.00	0.00%	\$ 0.00	No Payment	08/04/2023
08/04/2023	Peter Lind Shaw	Daniel David Dydzak	\$ 0.00	0.00%	\$ 0.00	No Payment	08/04/2023
08/04/2023	Barry Silverman	Daniel David Dydzak	\$ 0.00	0.00%	\$ 0.00	No Payment	08/04/2023
08/04/2023	Richard Tallman	Daniel David Dydzak	\$ 0.00	0.00%	\$ 0.00	No Payment	08/04/2023
08/04/2023	Wallace Tashima	Daniel David Dydzak	\$ 0.00	0.00%	\$ 0.00	No Payment	08/04/2023
08/04/2023	Sidney Thomas	Daniel David Dydzak	\$ 0.00	0.00%	\$ 0.00	No Payment	08/04/2023
08/04/2023	Kim McClane	Daniel David	\$ 0.00	0.00%	\$ 0.00	No	08/04/2023

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Date	In Favor Of	Against	Amount	Interest	Court Cost	Status	Date
023	Wardlaw	Dydzak				Payment	023

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**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

Form 15. Certificate of Service for Electronic Filing

Instructions for this form: <http://www.ca9.uscourts.gov/forms/form15instructions.pdf>

9th Cir. Case Number(s) 23-15784; 23-16193

I hereby certify that I electronically filed the foregoing/attached document(s) on this date with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit using the Appellate Electronic Filing system.

Service on Case Participants Who Are Registered for Electronic Filing:

I certify that I served the foregoing/attached document(s) via email to all registered case participants on this date because it is a sealed filing or is ☐ submitted as an original petition or other original proceeding and therefore cannot be served via the Appellate Electronic Filing system.

Service on Case Participants Who Are NOT Registered for Electronic Filing:

I certify that I served the foregoing/attached document(s) on this date by hand delivery, mail, third party commercial carrier for delivery within 3 calendar days, or, having obtained prior consent, by email to the following unregistered case participants (*list each name and mailing/email address*): ☒

Daniel David Dydzak
4265 Marina City Drive, Ste. 407W
Marina del Rey, CA 90292

Description of Document(s) (*required for all documents*):

Federal Judicial Defendants' Supplemental Excerpts of Record Volume III

Signature s/ Patrick A. Rose

Date May 15, 2024

(*use "s/[typed name]" to sign electronically-filed documents*)

Feedback or questions about this form? Email us at forms@ca9.uscourts.gov